

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64283 of 2023

Arising Out of PS. Case No.-250 Year-2023 Thana- BEGUSARAI TOWN District- Begusarai

Raushan Kumar S/O Manoj Ishwar R/O Village- Pipra, Ward No. 15, Ps.
Town (RATANPUR O.P.), Dist. Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Adv

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 11-10-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Begusarai Town P.S. Case no. 250 of 2023 registered under sections 302 and 34 of the Indian Penal Code and section 27 of Arms Act.

3. As per the prosecution case, the informant states that four accused persons came armed near him and on the orders of Vikesh Kumar, Kishan Kumar fired upon him as a result of which the informant's brother sustained gun shot injury.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. He is not named in the FIR. Further from the contents of the FIR it would transpire that the specific allegation of being an order



giver is on co-accused Vikesh Kumar and that of being the assailant is on Kishan Kumar, and not the petitioner herein. Referring to the order of the learned trial Court, learned counsel for the petitioner submits that the name of the petitioner transpired in course of investigation in the statement of police spy in paragraph no. 116 of the case diary and further the prosecution is relying on the alleged confessional statement of the petitioner before the police which has come in paragraph no. 167 of the case diary. Further Vikesh Kumar and Kishan Kumar have been enlarged on bail. The petitioner is in custody since 21.6.2023 and charge-sheet has been submitted in the case.

5. The prayer for bail is opposed by learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the contents of the FIR wherein specific allegation of firing is on co-accused Kishan Kumar, the said Kishan Kumar having been granted bail by the learned trial Court, the name of the petitioner transpiring on the information provided by the police spy in course of investigation, the petitioner having remained in custody since 21.6.2023 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Begusarai



Town P.S. Case no. 250 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Begusarai.

(Partha Sarthy, J)

uttam/-

U		T	
---	--	---	--

