

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61113 of 2022

Arising Out of PS. Case No.-109 Year-2022 Thana- KHAJEKALA District- Patna

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Akash Kumar @ Shethi S/O Rajesh Kumar Resident Of Village- Band Gali,
Paderi Ki Habeli, P.S.- Khajekalan, District- Patna.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Adv.

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Khajekalan P.S. Case No. 109 of 2022 lodged under Sections
302/120(B)/34 of the I.P.C. and Section 27 of the Arms Act.

As per the prosecution case, it has been alleged that
informant's son went to a shop to take Mixture and when he was
returning then near Padari Ki Habeli 4 named accused persons
including the present petitioner surrounded and fired upon the
son of the informant. Upon firing, the all headed towards west
side. With the help of others, the deceased was taken to
P.M.C.H., where he died. It has been stated by the informant

that his wife has seen all the persons who fired upon the deceased.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 12.07.2022 having clean antecedent. Counsel for the petitioner submits that the wife of the informant is the eyewitness of this case but she has not disclosed any specific name that who fired and she made general allegation against all the four accused persons that they fired upon the deceased. Learned counsel for the petitioner submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

Upon specific query that whether charge has been framed or not, counsel submits that charge sheet has been made but charge has not been framed.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the Informant vehemently opposes the prayer for bail and submits that bail petition of two of the accused persons have been rejected vide Cr. Misc. No. 36410 of 2022 and Cr. Misc. No. 39005 of 2022.

In the present facts and circumstances of this case and

the submissions made above, I am not inclined to grant bail to the petitioner.

With this observation, the bail application stands rejected.

Trial Court is directed to release the petitioner on bail after that imposing its own conditions, so that he may not evade his appearance during trial.

(Dr. Anshuman, J.)

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