

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64652 of 2022

Arising Out of PS. Case No.-138 Year-2021 Thana- BIHARIGANJ District- Madhepura

Rakesh Kumar Son Of Sikendra Yadav R/V- Fulkaha, Ward No. 20, P.S.
Jadia, District- Supaul

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh

For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 24-02-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Section 394 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case in nutshell is that four miscreants fired upon the informant, due to which he sustained gun shot injury. It is also alleged that they snatched his bag containing documents, mobile and key of vehicle.

It is submitted by learned counsel for the petitioner



that the petitioner is innocent and he has falsely been implicated in the present case. Neither the petitioner is named in F.I.R. nor he has been put on T.I.P. Nothing has been recovered from his possession. The name of the petitioner sprang up in this case on the basis of confessional statement of co-accused persons, before the police, which has no evidentiary value in the eye of law. Moreover, the petitioner is languishing in judicial custody since 2.11.2021. Similarly situated co-accused persons have been granted Bail vide order dated 16.09.2022 and 9.12.2022, passed in Cr. Misc. No. 34996 of 2022 and 48653 of 2022 respectively, by the co-ordinate Benches of this Court.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Bihariganj P.S. Case No. 138 of 2021 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 Judicial Magistrate, 1st Class, Udakishanganj.

(Sunil Kumar Panwar, J)

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