

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68991 of 2023

Arising Out of PS. Case No.-18 Year-2022 Thana- SOHSARAI District- Nalanda

Rishabh Kumar @ Lutus @ Lutus Arora S/O Rupesh Kumar R/O 29/C New Staff Quarter, Block-C, Darbhanga House, Pmch, Sampatchak, P.S- Pirbahore, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivanand Singh

For the Opposite Party/s : Mr.Rita Verma

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 03-11-2023 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 394, 302 of the Indian Penal Code and section 27 of the Arms Act.

3. As per prosecution case, the informant is running jewelar shop in the name of Nandlal Jewelers. It is alleged that four miscreants on two motorcycles entered the shop, looted ornaments and started opening fire upon informant's son due to which his son sustained injury and died during treatment.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is not named in the FIR rather his name came into light on the basis of confessional statement of co-accused Dhananjay @Bhopta thereafter he was remanded in this case



from Agamkuan P.S. Case No. 382 of 2022. Except confession, no any consistent material has come on record which shows the complicity of the petitioner in the alleged offence. There is no eye-witness of the alleged occurrence. Moreover, similarly situated co-accused namely, Dhananjay @Bhopta has already been granted bail by this court vide order dated 11.7.2023 passed in Cr. Misc. No. 10610 of 2023. The petitioner is languishing in judicial custody since 21.4.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Sohsarai P.S. Case No. 18 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Biharsharif, Nalanda.

(Sunil Kumar Panwar, J)

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