

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67930 of 2022

Arising Out of PS. Case No.-295 Year-2021 Thana- KUMAR KHAND District- Madhepura

Akash Kumar Son of Amrendra Yadav R/V- Kohbarh, P.S- Kumarkhand,
Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), if any, as pointed out by the office, within a period of four weeks from today.

Heard Mr. Praveen Kumar Agrawal, learned counsel for the petitioner and Mr. Brajendra Nath Pandey, learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Kumarkhand P.S. Case No. 295 of 2021, registered for the offences punishable under Sections 307/34 of the Indian Penal Code and Section 27 of the Arms Act, to which later on Section 393 of the Indian Penal Code was also added.

Allegedly, while the informant was on his way to Jadiya for collection of due amounts in the meantime 9 miscreants came on three motorcycles overtook his motorcycle



and when the informant tried to escape the accused persons fired upon him causing bullet injury on his shoulder and they also assaulted on his left eye from the butt of the pistol.

Learned counsel appearing on behalf of the petitioner submits that the FIR has been instituted against unknown miscreants, however, during course of investigation co-accused Gautam Kumar @ Gautam Yadav was apprehended by the police and the name of the petitioner surfaced on his confessional statement, save and except the aforesaid confessional statement neither the petitioner has been put on Test Identification Parade nor any incriminating material has been recovered, moreover, the person on whose confessional statement the name of the petitioner has surfaced, he has been allowed the privilege of bail by the learned coordinate bench of this Court in Cr. Misc. No. 61357 of 2022 *vide* order dated 20.02.2023. He lastly submits that the petitioner is in custody since 30.05.2022.

It is pointed out by learned counsel for the State that the petitioner found involve in three more criminal cases and he appears to be a habitual offender.

Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the



petitioner has transpired on the confessional statement of co-accused person, who has already been allowed bail by the learned coordinate bench of this Court and neither there is recovery of any incriminating material nor the petitioner has been put on Test Identification Parade, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Madhepura in connection with Kumarkhand P.S. Case No. 295 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal



antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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