

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68425 of 2022**

Arising Out of PS. Case No.-253 Year-2022 Thana- NAWADA District- Nawada

RAJA KUMAR Son of Uttam Kumar Singh R/V- Linepar Mirzapura, P.S and
Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 27-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 307, 326, 504, 34 of the Indian Penal Code and Section 27 of Arms Act.

According to prosecution case, in brief, is that one Rajesh Kumar who happens to be an informant of this case, gave fard-beyan before the concern police station, Nawada alleging therein that on 20.03.2022 at about 16.00 O'clock his younger brother Akash Kumar was sitting near the Surya Mandir with his 3-4 friend in the meantime, co-accused Aryan @ Mayank Kumar Sinha and 4 others came there in intoxicated condition and began to abuse, he forbade them thereupon co-accused Aryan @ Mayank Kumar Singh fired on Akash Kumar



with pistol drawing pistol from his waist which was hit on Akash Kumar's shoulder. After hearing the sound of firing he went there near the Surya Mandir. The boys who were sitting there with his brother narrated him about the occurrence. Thereafter, the informant carried his brother to the hospital where the doctor referred his brother to P.M.C.H, Patna for better treatment.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of confessional statement of co-accused Aryan @ Mayank Kumar Sinha. He further submits that it appears from the F.I.R. that there is specific allegation against co-accused namely, Aryan @ Mayank Kumar Sinha who has fired upon the victim and there is no specific allegation of any assault or overt-act against the petitioner. He further submits that except the confessional statement of co-accused namely, Aryan @ Mayank Kumar Sinha, no other cogent material has come during investigation against the petitioner. He further submits that the injury report of Akash Kumar examined by the doctor is simple in nature and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 06.09.2022.



The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Nawada Town P.S. Case No. 253 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

mdrashid/-

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

