

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70094 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- PATNA CITY CHOWK District- Patna

Raushan Kumar @ Gunga, S/o Rajendra Rai R/v- Bare Ki Gali, P.S.- Chowk,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudal Singh

For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 12-01-2023 This case is listed for hearing out of turn on account of mentioning that the petitioner has to appear in the Indian Army Agniveer Examination, 2023.

Heard Ld. counsel for the petitioner and Ld. APP for the State.

The petitioner seeks bail in connection with Chowk P. S. Case No. 39 of 2022, corresponding to G.R. No. 397 of 2022, registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code and Section 27 of the Arms Act, 1959.

The prosecution story as emerges from the FIR is that the petitioner along with his associates shot at the



husband of the informant, namely, Abhishek Kumar and during treatment he was declared dead by the Doctor of N.M.C.H., Patna.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is not named in the F.I.R. and his name transpires only in the confessional statement of the co-accused. He also submits that no incriminating article has been recovered from the conscious possession of the petitioner. He further submits that one of the co-accused persons, namely, Anshu Kumar has already been enlarged on bail by this Court *vide* order dated 04.01.2023, passed in Cr. Misc. No. 70725 of 2022.

He further submits that the petitioner has been languishing in jail since 28.07.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in three other cases, out of which he is on bail in two cases.

It is also stated in paragraph no. 2 of the bail



petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Sub-divisional Judicial Magistrate, Patna City, in connection with Chowk P. S. Case No. 39 of 2022, corresponding to G.R. No. 397 of 2022 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person



acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

It is made clear that in case the ground of out of turn hearing as mentioned by Ld. Counsel for the petitioner is found to be false by the court below on information provided by the informant and the court below getting satisfied that the ground mentioned for out of turn hearing is false, the court below shall cancel the bail-bonds of the petitioner.



Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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