

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71052 of 2023**

Arising Out of PS. Case No.-388 Year-2022 Thana- NAUGACHIA District- Bhagalpur

Kamlesh Kumar @ Prince Kumar @ Prince Son Of Bablu Ray @ Bablu Rai
Village Pakra, P.S.- Naugachia District Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 07-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Naugachia P.S. Case No. 388 of 2022 registered on 10.12.2022, for the alleged offences under Sections 302/34 of the Indian Penal Code and 27 of the Arms Act.

03. As per prosecution case, the co-accused persons entered into some altercation with the son of the informant, who was a tempo driver. During altercation, one of the miscreants fired upon the son of the informant, who received injury in his left hand and chest, later on, he succumbed to the said injury. Before dying, the son of the informant disclosed the names of co-accused Saurabh Kumar and Ravi @ Ravish Kumar and one more person, who were involved in the said occurrence. The



informant further stated that earlier co-accused Saurabh Kumar and one other person were apprehended by the police with firearms and ammunition and he had suspicion that son of the informant was instrumental in sending them into the jail. The name of the petitioner transpired during investigation for his involvement in the said occurrence.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is not named in the F.I.R. and his name came up in confessional statement of co-accused Saurabh Kumar. Except for the said confessional statement, there is no cogent material against the petitioner to show his involvement for the said occurrence. Learned counsel further submits that the informant is not an eye witness and even another son of the informant, who received the information from the deceased, did not name this petitioner. The co-accused Ravi @ Ravish Kumar, who was identified by the deceased as one of the assailants, has been granted bail by a Co-ordinate Bench vide order dated 29.08.2023 passed in Criminal Misc. No. 56214 of 2023 and the case of the petitioner is on much better footing. Moreover, there was only one gun shot injury on the person of the deceased as mentioned in the F.I.R. and this fact has been corroborated in the



postmortem report. There is no allegation of opening fire against this petitioner or for assaulting the son of the informant. The petitioner is in custody since 23.12.2022 and charge-sheet has been submitted. The petitioner has got no criminal history.

05. Learned APP for the State opposes the prayer for bail.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that thrust of allegation is against co-accused Saurabh Kumar, who is said to have been opened fire upon the son of the informant and also considering the fact that initially the petitioner was not named in the F.I.R. and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Naugachia in connection with Naugachia P.S. Case No. 388 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of



the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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