

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72037 of 2022

Arising Out of PS. Case No.-552 Year-2022 Thana- BARH District- Patna

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Ajit Das @ Ajit Kumar Son of Yogendra @ Anugrah Das Resident of Village
- Akbarpur, P.S.- Barh, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Kashyap, Advocate
For the Opposite Party/s	:	Mr. Arun, Advocate
For the State	:	Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-03-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Barh P.S.
Case No. 552 of 2022 registered for the offence under Sections
330/34 of the Indian Penal Code and 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 22.08.2022.

The allegation against the petitioner is to commit
murder of son of informant alongwith other co-accused persons
for the dispute, which is founded over payment related issue in
connection with soil filling on the road.



Learned counsel appearing on behalf of the petitioner submitted that petitioner was falsely implicated in this matter for the local dispute and differences. It is further submitted that specific allegation as to cause fatal firearm injury is available against co-accused, namely, Kailu Das, as per face of the F.I.R., where allegation against this petitioner is limited to fire without having any target for the purpose of creating a terror and moreover no firearm recovered from the possession of this petitioner during the course of investigation to connect in any manner with alleged firing. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel, Mr. Arun appearing on behalf of the informant, while opposing the prayer of bail submitted that the allegation of active participation is available against this petitioner, as per F.I.R.

Considering the facts and circumstances as mentioned above, and by taking note of the fact as specific allegation as regard to fatal firearm injury is available against co-accused Kailu Das, not against this petitioner, who is a man of clean



antecedent, coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Barh P.S. Case No. 552 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate - I, Barh, Patna/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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