

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8108 of 2024

Arising Out of PS. Case No.-731 Year-2023 Thana- NAGAR District- Vaishali

1. Mukul Kumar @ Mukul Kumar Sharma Son of Vijay Sharma Resident of Village-Sadullahpur, P.S.-Lalganj, Distt.-Vaishali, Bihar-844121
2. Bharat Kumar Son of Asharfi Ray Resident of Village-Gangaram Tola, P.S.-Lalgang, Distt.-Vaishali, Bihar-844121

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ritesh Jha, Advocate

For the Opposite Party/s : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 21-06-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Nagar P.S Case No. 731 of 2023 dated 15.09.2023 registered for the offence punishable u/ss 302 read with 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, three unknown miscreants boarded on a motorcycle came to the shop of the informant's brother who was selling fish. One of the miscreants purchased one kg. fish and fired three rounds which hit the head, back and chest of the informant's brother who fell down



and succumbed to the injuries.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioners are not named in the F.I.R. No T.I. Parade has been conducted by the prosecution. The other co-accused person has already been granted bail by this court *vide* order dated 01.05.2024 passed in Cr. Misc. No. 31209 of 2024. The petitioner no. 1 has no criminal antecedent whereas the petitioner no. 2 is accused in one more criminal case as stated in para 3 of the bail petition. The petitioner no. 1 is in custody since 29.09.2023 and the petitioner no. 2 is in custody since 04.10.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners. As per para. 28 of the case dairy, the tower location of the petitioner no. 2 was found at the place of occurrence.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named i.e Mukul Kumar @ Mukul Kumar Sharma, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Vaishali at



Hajipur in connection with Nagar P.S. Case No. 731/2023.

7. The application stands allowed with regard to the petitioner no. 1, namely, Mukul Kumar @ Mukul Kumar Sharma.

8. So far as, the petitioner no. 2, namely, Bharat Kumar is concerned, Considering the aforesaid facts and circumstances of the case as well as the finding substance in the contention of learned counsel for the State, this Court is not inclined to grant bail to the petitioner no. 2, namely, Bharat Kumar and the same is rejected in connection with Nagar P.S. Case No. 731/2023, pending in the court of learned Chief Judicial Magistrate, Vaishali at Hajipur.

9. Learned court below is directed to conclude the trial at the earliest.

10. Accordingly, the application regarding the petitioner no. 2, namely, Bharat Kumar stands rejected.

(Chandra Prakash Singh, J)

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