

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20462 of 2024

Arising Out of PS. Case No.-115 Year-2022 Thana- JAKKANPUR District- Patna

RAJESH KUMAR @ LALLA @ GOLDEN SON OF LAXMAN PRASAD
R/O-SABARCHAK HATA, P.S.-MALSALAMI, DISTT.-PATNA (BIHAR)
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Advocate

For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 21-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection with Sessions Trial No. 1189 of 2022 arising out of Jakkanpur P.S. Case No. 115 of 2022 registered under sections 393 and 307/34 of the Indian Penal Code and section 27 of the Arms Act lodged on 03.03.2022 by the informant, Ramanuj Kumar.

3. As per the prosecution story, the Sub-Inspector. Jakkanpur Police Station had recorded the statement of the informant who was in the emergency ward of Arvind Hospital, Khajanchi Road, Patna in which allegation has been made that he is the Manager of Amul Milk, was calculating the daily transaction, two accused persons entered and tried to get away with the amount and upon objection opened fired, causing injury in the right leg. They escaped which followed the FIR.

4. It is the case of the petitioner that subsequently, one



Ravi Kumar @ Ravi Ranjan Kumar @ Karu was apprehended and he in his confessional statement confessed the crime, named this petitioner to be the person, who opened fire. It is his further submission that the said Ravi Kumar @ Ravi Ranjan @ Karu has been granted bail vide order dated 21.04.2023 passed in Cr. Misc. No. 2072 of 2023. The last submission is that though he is in custody since 10.04.2022 (as stated in paragraph 7 of the petition) no T.I. parade was conducted. He further undertakes to diligently appear in trial, if granted bail.

5. Learned APP opposes the prayer for bail submitting that the petitioner has criminal antecedent.

6. Though the petitioner has criminal antecedent, the fact remains that the similar situate person namely, Nishant Kumar whose name has also come in the confessional statement has since been granted bail in Cr. Misc. No. 36840 of 2023 beside the bail to Ravi Kumar, as stated above, the petitioner is in custody since 10.04.2022, this Court is inclined to extend him the privilege of bail after framing of charge.

7. Let the petitioner be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ADJ-XI, Patna, in connection with Sessions Trial No.



1189 of 2022 arising out of Jakkanpur P.S. Case No. 115 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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