

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37933 of 2024

Arising Out of PS. Case No.-132 Year-2023 Thana- PUSA District- Samastipur

Rahul Kumar Son of Lali Ray @ Satyendra Ray Village- Harpur Pusa, Ps-
Pusa Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 23-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Pusa
P.S. Case No. 132 of 2023 instituted for the offences under
Sections 307, 120(B) and 34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. Earlier the petitioner had moved before this Court
with a prayer for anticipatory bail which was rejected by the Co-
ordinate Bench of this Court vide order dated 14.03.2024 passed
in Cr. Misc. No. 16318 of 2024.

4. As per prosecution case, the petitioner along with
co-accused Parmanand Kumar and Ramanand Kumar caught
hold the son of the Informant and co-accused Chunnu Kumar



and Sidharth Kumar took pistol from their waist and opened fire which hit on his arm and abdomen causing injury.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that in the statement made under Section 161 Cr.P.C., the victim, though has uttered about the presence of the petitioner at the place of occurrence, but has not leveled any specific allegation of any overt act against him. Thus, there is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has one criminal antecedent and is languishing in judicial custody since 18.03.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

6. Learned counsel for the petitioner again submits that the co-accused namely Ramanand Kumar has been granted bail by this Court vide order dated 04.04.2024 passed in Cr. Misc. No. 24676 of 2024.

7. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

8. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as



also taking into account the period of custody of the petitioner,
let the petitioner, abovenamed, be released on bail on furnishing
bail bonds of Rs.10,000/- (Ten thousand) with two sureties of
the like amount each to the satisfaction of Court
below/concerned Court in connection with Pusa P.S. Case No.
132 of 2023.

(Rudra Prakash Mishra, J)

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