

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38866 of 2023

Arising Out of PS. Case No.-156 Year-2022 Thana- PHULWARIA District- Begusarai

Keshav Kumar @ Keshava Kumar @ Naga Son of Ram Vinay Singh @
Vinay Singh @ Binay Singh Village- Bihat Tola- Khem Karanpur Ps- Barauni
Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr.Harendra Prasad, APP

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

ORAL ORDER

7 26-02-2024 Heard learned counsel for the petitioner and learned
APP for the State as also perused the case diary.

2. The petitioner seeks bail in connection with
Phulwaria P.S. Case No. 156 of 2022 instituted for the offences
under Sections 302, 120(B), 34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. As per prosecution case, two miscreants fired upon
the Informant's brother due to which he sustained grievous fire-
arm injury. Thereafter, he was taken to the hospital for treatment
where he was declared dead.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner is not named in the F.I.R. and his



name has surfaced in this case during investigation on the basis of confessional statement of co-accused in another case. There is no evidence and allegation of any overt act against the petitioner. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner or from his house. The petitioner has altogether seven criminal antecedents as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 22.10.2022. Charge-sheet has been submitted in this case on 18.01.2023.

5. Learned counsel for the petitioner again submits that the co-accused namely Chunchun Singh @ Chunchun Kumar @ Satyajeet Kumar and Sumit Kumar have been granted bail by a Co-ordinate Bench of this Court vide orders dated 14.07.2023 and 21.07.2023 passed in Cr. Misc. Nos. 23025 of 2023 and 42447 of 2023 respectively.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the rival submissions made by the learned counsel for the parties as also considering the materials available on record, 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 Phulwaria P.S. Case No. 156 of 2022, subject to the conditions that;

(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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