

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46687 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- SARAI District- Vaishali

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Ankit Kumar Son of Late Amod Rai Village- Senduari, P.S.- Hajipur Sadar,
Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vasant Vikas, Adv.

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

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

ORAL ORDER

2 28-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sarai
P.S. Case No. 11 of 2024 instituted for the offences under
Sections 302, 120(B) of the Indian Penal Code and Section 27
of the Arms Act.

3. The prosecution case, in short, is that, all the F.I.R.
named accused persons surrounded the husband of the
Informant. The co-accused Sanjeet Kumar and Sanjay Kumar
fired from their pistol on him due to which the informant's
husband sustained grievous gun-shot injury and died at the spot.
It is alleged that the petitioner is also involved in the killing of
the deceased.



4. 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. The petitioner is not named in the F.I.R. and his name has surfaced in this case on the basis of the confessional statement of co-accused Rishu Kumar Singh @ Rishu Kumar. He further submits that nothing incriminating has been recovered from the physical/conscious possession of the petitioner. Except confession of the co-accused, there is not an iota of evidence against the petitioner in the entire record of this case. The petitioner has been remanded in this case from Sarai P.S. Case No. 14 of 2024. The petitioner has no concern with the alleged occurrence. The petitioner has one criminal antecedent in which he is on bail and is languishing in judicial custody since 24.01.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. Learned counsel for the petitioner again submits that the co-accused namely Neeraj Kumar @ Chottu has been granted bail by this Court vide order dated 29.04.2024 passed in Cr. Misc. No. 29058 of 2024.

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



7. 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 Sarai P.S. Case No. 11 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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