

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48451 of 2024

Arising Out of PS. Case No.-10 Year-2023 Thana- NTPC District- Patna

Jai Kumar @ Jainandan Kumar S/O Manoj Kumar @ Manoj Paswan R/O
Village- Dhibar Jagirai Tola, P.S- N.T.P.C, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Advocate

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

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

ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in N.T.P.C. P.S. Case No.
10 of 2023, instituted for the offences punishable under Sections
341, 323, 307, 379, 504, 506/34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. The prosecution case, in short, is that, co-accused
Saurav Kumar along with other co-accused persons including
the petitioner in intoxicated condition entered the fish market
and started indiscriminate firing upon the informant and other
persons but it did not hit anyone. They snatched fish and Rs.
10,000/- from the informant and assaulted her.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submitted that the petitioner is not named in the F.I.R. Name of the petitioner has transpired on the basis of confessional statement of co-accused Saurav Kumar and the same has no evidentiary value. The allegation levelled against the petitioner is not specific, rather general and omnibus in nature. Specific allegation of firing and assaulting the informant is against co-accused Saurav Kumar. No T.I. parade has been conducted in this case. The petitioner is in custody since 15.03.2023 and has got four criminal antecedents in which he is on bail. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with N.T.P.C. P.S. Case No. 10 of 2023, subject to the following conditions:

(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)

Rajorshi/-

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