

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53725 of 2024

Arising Out of PS. Case No.-1539 Year-2022 Thana- PHULWARISHARIF District- Patna

Rajesh Kumar @ Nakat Gop S/o Jay Ram Ray R/o Brajesh Singh Mitran Chak, P.S. - Sampatchak, Distt. - Patna, At present R/o Patlipul Digha, P.S. - Digha, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 09-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Phulwarisharif P.S. Case No. 1539 of 2022 dated 14.12.2022, instituted for the offence punishable under Sections 396, 397 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in brief is that on 13.12.2022 at about 9:40 pm, while informant was sitting in his friend's house namely, Rajiv Ranjan, three unknown miscreants with guns entered the house and tried to snatch golden chain from his friend. When the informant's friend tried to take out his pistol, one of the miscreants fired on him. Thereafter the father of the friend came on hearing gun shot and then miscreants fired on



him as well. It is further alleged that other three miscreants who were outside tried to enter the house and they fired on the brother of his friend. All three victims were grievously injured and taken to the hospital, where Rajiv Ranjan was declared dead.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that petitioner is not named in the FIR. FIR has been registered against six unknown miscreants. It is further submitted that petitioner was remanded from another case in this case and on the basis of suspicion, he has been made accused in this case. It is further submitted that petitioner was not identified during T.I.P. It is also submitted that nothing has been recovered from the house of the petitioner in this case. It is further stated that similarly situated co-accused person namely, Mithlesh Kumar and Amar Kumar have been granted bail *vide* order dated 18.10.2023 and 19.03.2024 passed by different Co-ordinate Benches of this Court in Criminal Miscellaneous No. 67677 of 2023 and Criminal Miscellaneous No. 84201 of 2023 respectively. It is further stated that co-accused namely, Naroj Kumar has been granted bail *vide* order dated 14.07.2023 passed by this Court in Criminal Miscellaneous No. 41646 of 2023.



Lastly, it has been submitted that the petitioner is in custody since 03.02.2023, he has six criminal cases against him and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna in Phulwarisharif P.S. Case No. 1539 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate



the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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