

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54056 of 2024**

Arising Out of PS. Case No.-172 Year-2019 Thana- JANDAHA District- Vaishali

Abhishek Kumar @ Abhishek Anand son of Avinash Prasad @ Avinash Rai  
@ Avinash Pd. Rai Village- Gandhi Chowk Ps- Jandaha Dist- Vaishali A/P-  
Munna Chowk Ps- Patrakar Nagar Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                 |
|----------------------|---|---------------------------------|
| For the Petitioner/s | : | Mr. Ajay Kumar Thakur, Advocate |
|                      | : | Mr. Vaishnavi Singh, Advocate   |
|                      | : | Mr. Ritwik Thakur, Advocate     |
| For the State        | s | Mr. Mukesh Kumar Singh, APP     |

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      13-09-2024                      Heard Mr. Ajay Kumar Thakur, learned counsel for  
the petitioner and Mr. Mukesh Kumar Singh, learned A.P.P. for  
the State.

2. The petitioner seeks bail, who is in custody since  
07.05.2024, in connection with Jandaha P.S. Case No. 172 of  
2019, FIR dated 11.07.2019 registered for the offence under  
Sections 302, 384, 387 and 34 of the Indian Penal Code and  
Section 27 of the Arms Act.

3. According to the prosecution case, while the  
informant along with his staff were going to his house, some of  
the unknown miscreants overtook them and opened fired upon  
them which hit his staff, namely, Mukesh Kumar Shukla and



thereafter he died during course of treatment.

4. Learned counsel appearing for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that initially the petitioner has not been named in the F.I.R. but his name has been transpired during the investigation on the basis of the confessional statement of the co-accused person, namely, Kishan Kumar. He further submits that from a bare perusal of the FIR it appears that the date of occurrence is 10.07.2019 and the petitioner was in judicial custody since 17.01.2019 in connection with Jandaha P.S. Case No. 312 of 2019 and he has been released on bail by the co-ordinate Bench of this Court vide order dated 31.07.2019 passed in Cr. Misc. No. 22398 of 2019 which suggests that the petitioner was not involved in the present crime in question. He further submits that other co-accused persons, namely, Kishan Kumar and Prashant Kumar have already been granted bail by this Court vide order dated 27.02.2023 passed in Cr. Misc. No. 58055 of 2022 and co-accused person, namely, Kanhaiya Kumar @ Kanhaiyalal has also been granted bail by a co-ordinate Bench of this Court vide order dated 17.05.2023 passed in Cr. Misc. No. 18487 of 2023. The petitioner is rotting in judicial custody since 07.05.2024.



5. Learned A.P.P. for the State, on the other hand, has opposed the prayer for bail of the petitioner and submits that during the investigation the name of the petitioner has been transpired in this case. He further submits that petitioner carries 22 cases other than the present one, out of 22 cases he is on bail in 21 cases and one case is pending before the competent Court for consideration.

6. Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali in connection with Jandaha P.S. Case No. 172 of 2019 with the following conditions:-

(i) Petitioner shall co-operate 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 on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(ii) 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.

And, further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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