

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58681 of 2024

Arising Out of PS. Case No.-113 Year-2024 Thana- DEEPNAGAR District- Nalanda

Shashank Kumar S/o Late Krishna Prasad Singh R/o vill - Rahimpur, P.S. -
Rahui, Distt. - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hansraj, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-10-2024 The matter has been taken up on mentioning being
made on behalf of the petitioner.

2. Heard learned counsel for the petitioner and learned
APP for the State.

3. In this present case, the petitioner seeks bail in
connection with Deepnagar P.S. Case No. 113 of 2024, registered
for the offences under Section 307 of the Indian Penal Code and
Section 27 of the Arms Act.

4. As per prosecution case, the husband of the
informant was shot at by unknown miscreants and the name of
the petitioner transpired during investigation for being involved
in the attempt on the life of the husband of the informant.

5. Learned counsel appearing on behalf of the
petitioner submits that the petitioner is innocent and has been



falsely implicated in this case. The petitioner is not named in the FIR and his name transpired in this case on the basis of confessional statement of co-accused Shail Gautam. Except for confessional statement of co-accused, there is nothing against the petitioner. Nothing incriminating has been recovered from the person or possession of this petitioner. There is no eye-witness to the occurrence. Petitioner is a student of B.Sc part-II and has no concern with the alleged offence. During investigation no cogent material has come up against the petitioner to connect him with the offence as alleged. Petitioner is in custody since 24.03.2024 and charge-sheet has been submitted. Petitioner is having clean antecedent.

6. Learned A.P.P. opposes the submission made on behalf of the petitioner. Learned APP submits that petitioner in conspiracy with the informant made attempt on the life of the husband of the informant and it is very difficult to collect any cogent material in such circumstances.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the remoteness of allegations and further considering the lack of substantive material to show the involvement of the petitioner with the offence as alleged and also considering the period of



custody of the petitioner coupled with his clean antecedent and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif/concerned court in connection with Deepnagar P.S. Case No. 113 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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