

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71556 of 2023

Arising Out of PS. Case No.-124 Year-2023 Thana- CHANDI District- Bhojpur

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KRISHNA KUMAR @ KARIYA @ KRISHNA RAY Son of Mahendra
Yadav R/o vill - Bhadwar, P.S. - Chandi, Distt. - Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 07-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Chandi P.S. Case No. 124 of 2023, lodged on 02.05.2023 under
Sections 302, 34 of the Indian Penal Code.

3. As per the prosecution case, FIR has been lodged
against two named accused persons including the present
petitioner and two unknown accused persons. The allegation in
the FIR against the petitioner and other co-accused person is
that they have fired on the informant's son on his neck, due to
which the informant's son became injured and fell down.
Subsequently, the informant's family member took him to Sadar
Hospital where Doctor declared him dead.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Counsel also submits that from the statement made in the FIR itself, it transpires that this unfortunate occurrence took place due to the result of *harsh* firing. Counsel further submits that the criminal antecedent of the petitioner is clean and he is in custody since 06.05.2023.

5. Learned counsel for the petitioner submits that two accused persons have been granted bail by the Co-ordinate Bench of this Court *vide* orders dated 27.07.2023 and 27.02.2024 passed in Cr. Misc. Nos. 45433 of 2023 and 55103 of 2023 respectively.

6. Learned APP for the State vehemently opposes the prayer for bail of the petitioner.

7. Upon specific query of the Court from the counsel for petitioner that whether charge has been framed in this case or not, counsel submits that as per his knowledge, charge has not been framed in this case.

8. In the present facts and circumstances of this case and the submissions made above, **let the petitioner above named be granted bail, but only after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to



the satisfaction of learned Additional Chief Judicial Magistrate-
Vth, Bhojpur at Ara in connection with Chandi P.S. Case No.
124 of 2023, subject to the conditions as laid down U/s 437(3)
Cr.P.C.

(Dr. Anshuman, J.)

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