

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68130 of 2023

Arising Out of PS. Case No.-688 Year-2023 Thana- DANAPUR District- Patna

RAHUL KUMAR son of Bijendra Ray Village- Chaubey Gali Ps- Danapur
Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 08-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case instituted for the offence under Sections 302, 307/34, 120B of the Indian Penal Code and Section 27 of the Arms Act and later on added Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. As per FIR, the allegation against the petitioner along with others is of firing upon the informant and one Anil Rai, due to which Anil Rai succumbed to injury and the informant sustained injury.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case due to dirty village politics. He has committed no offence. Petitioner is not named in the FIR. There is no consistent evidence has come



against the petitioner to show his complicity in this case. On the basis of confessional statement of co-accused namely, Kunal Kumar, the name of the petitioner has come into light. No incriminating article has been recovered from the conscious possession of the petitioner. There is no specific overt act against the petitioner of firing. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 25.05.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-II, Danapur, Patna in connection with Danapur P.S. Case No. 688 of 2023.

(Sunil Kumar Panwar, J)

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