

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83489 of 2023

Arising Out of PS. Case No.-17 Year-2023 Thana- BIRUPUR District- Lakhisarai

Rahul Kumar @ Jhandu Son Of Late Arjun Prasad R/O Village - Naya Bazar,
Kabaiya Road, Bayamshala Gali, Ward No.25, P.S.- Kabaiya, District-
Lakhisarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mani Bhushan Kumar, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 03-04-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Birupur P.S. Case No. 17 of 2023 dated 31.03.2023 registered for the offences punishable under Sections 147, 148, 149, 302, 307, 326 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the petitioner and the co-accused persons are alleged to have surrounded the informant and his family members and started firing on them indiscriminately. In the meantime, the co-accused Prince, Amit and Manish started firing due to that one Shravan Kumar died on the spot whereas the informant, his cousin brother Anshu



and Anand Mohan sustained firearm injuries.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is not named in the F.I.R. The name of the petitioner has sprung up in the confessional statement of the co-accused, Gaurav Kumar. There is no specific allegation against the petitioner rather the specific allegation of firing is against the co-accused, Prince and Manish. The co-accused person has already been granted regular bail by this court vide order dated 17.08.2023 passed in Cr. Misc. No. 51037 of 2023. The petitioner has four criminal antecedents and he is on bail in all the cases as stated in para 3 of the bail petition. The petitioner is in custody since 08.08.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court



concerned, Lakhisarai in connection with Birupur P.S. Case No. 17 of 2023, with the following condition:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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