

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11187 of 2024

Arising Out of PS. Case No.-651 Year-2022 Thana- JAKKANPUR District- Patna

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Keshav Raj @ Kunal @ Keshaw Raj Son Of Rajesh Prasad Resident Of Village - Hathshar Ganj, P.S.- Hajipur, District - Vaishali. Also Present Address- Resident Of Flat No. A-304, Maa Mundeshwari Palace, Behind Sichai Vibhag Office, Anishabad, P.S- Anishabad, Patna- 800002.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Murli Dhar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 03-05-2024 Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the informant.

2. The petitioner seeks regular bail in connection with Sessions Trial No.329 of 2023 arising out of Jakkanpur P.S. Case No. 651 of 2022, lodged on 18.11.2022 under Sections 302, 34 of the Indian Penal Code read with section 27 of the Arms Act.

3. As per the prosecution case, FIR has been lodged against three named accused persons including the present petitioner along with 4-5 unknown persons. The allegation has been made in the FIR that three named along with 4-5 unknown accused persons went to the shop of the informant and started putting pressure to purchase the goods through him and upon



refusal, the allegation made that co-accused Ritu Raj fired upon the informant's brother by his pistol and subsequently, during treatment, he died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that the specific allegation is against the co-accused Ritu Raj who fired upon the informant's brother. Counsel also submits that the criminal antecedent of the petitioner is not clean and there is only one criminal case pending against him in which he is on bail. The petitioner is in custody since 19.11.2022 in the present case. Counsel further submits that the said accused Ritu Raj has been granted bail by the Co-ordinate Bench of this Court *vide* order dated 28.06.2023 passed in Cr. Misc. No.30165 of 2023. Counsel also submits that other co-accused persons have also been granted bail by the Co-ordinate Bench and by this Bench.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. Learned counsel for the informant vehemently opposes the prayer for bail of the petitioner and submits that in the bail order of the accused Ritu Raj, it has come that it is the petitioner who is the main assailant and in the case diary, the



material has come that he has fired and that's why his bail application was rejected.

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 though sessions trial number is there in the FIR, but he is not sure that whether charge has been framed till date or not.

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 Sessions Judge-XXI, Patna in connection with Sessions Trial No.329 of 2023 arising out of Jakkanpur P.S. Case No. 651 of 2022, subject to the conditions as laid down U/s 437(3) Cr.P.C.

(Dr. Anshuman, J.)

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