

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83380 of 2024

Arising Out of PS. Case No.-705 Year-2023 Thana- MAKHDUMPUR District- Jehanabad

Abhishek Kumar @ Mintu Kumar S/O Umesh Kumar R/O Village- Papu, P.S-
Makhdumpur, Distt.- Jehanabad, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 20-02-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Makhdumpur (umta) Dharnai P.S. Case No. 705 of 2023
instituted for the offence under Sections 394 & 307 of the Indian
Penal Code and Section 27 of the Arms Act.

3. Prosecution case in short is that brother of the
informant was shot in the chest and waist by three unidentified
miscreants on a Bullet motorcycle. The accused also snatched
his motorcycle.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 01-12-2023. Petitioner
bears two criminal antecedents, as per disclosure made in



paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is not named in the FIR. Name of the petitioner has transpired during course of investigation. There is no specific allegation attributed to the petitioner, rather allegation is general and omnibus in nature. Specific allegation of firing is against co-accused, namely, Gudu Kumar. So far as injury is concerned, the same is found to be grievous in nature, but the injury is not attributed to the petitioner. Arms is said to have been recovered from the petitioner's possession, but it is contended that same is planted. Police after completion of investigation has submitted charge sheet in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. Referring to paragraph No. 31 of the case diary, it is submitted that petitioner has confessed his guilt.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on



furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Makhdumpur (umta) Dharnai P.S. Case No. 705 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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