

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE-XXI,  
PATNA.**

**Bail Petition**

**In Sessions Trial No. 329/2023**

**Gaurav Kumar @ Priyanshu Priyadarshi V/s State of Bihar  
( Jakkampur P.S. Case No.651/2022)**

**ORDER**

**23.05.23**

1. Regular bail petition moved today on behalf of accused namely **Gaurav Kumar @ Priyanshu Priyadarshi** by his learned counsel, whose case is pending for trial before this court. Ld. A.P.P. for the State has also appeared. Case diary is available on the record.

2. The petitioner's case has been committed for trial before this court after cognizance U/S 302/120(B) of I.P.C and 27 of Arms Act.

3. The prosecution case, in short, as per F.I.R is that on 18.11.2022 at about 1.30 hours three F.I.R. named accused i.e. proprietor and staff of Britannia Biscuit Company alongwith four-five unknown persons came to the shop of the informant's brother Rahul Kumar and on account of a business related dispute pertaining to sale/purchase of Britannia biscuit, a quarrel took place between them and in the meantime one Banti Kumar fired on the brother of the informant, thereafter co-accused Ritu Raj also fired causing injury to the informant's brother. The injured was taken to hospital where the doctor declared the injured dead.

4. The learned counsel for the petitioner has submitted that the petitioner is quite innocent and has committed no offence and has been falsely implicated in this case and he has one previous criminal antecedent. Further submitted that the petitioner has been made an accused in this case on the basis of confessional statement of other accused. Further submitted that the petitioner is not named in the F.I.R. Further submitted that it would appear

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from the F.I.R. that no overt act has been alleged against the petitioner and one of the F.I.R. named accused Kallappa Siddappa Kudavakkalagi @ Kallappa Kudavakalagi @ Kallappa Kurba Kulagui has been granted regular bail by order dated 03.04.2023 passed in Cr. Misc. No. 6829/2023 by the Hon'ble High Court. Further submitted that the petitioner is in custody since 19.11.2022 and since then he is languishing in jail. Further submitted that there is no chance of absconding or tampering with the evidence by the petitioner and the petitioner is ready to abide by the directions and conditions which may be given and imposed while granting the prayer. Further submitted that the petitioner is ready to furnish sufficient bail bond sureties to the satisfaction of this Hon'ble Court. Hence prayed to enlarge the petitioner on bail.

5. On the other hand the learned Addl.P.P. for the State has opposed the prayer for bail of the petitioner.

6. Heard the parties and perused the case record.

7. From the perusal of record it shows that the petitioner is in custody since 19.11.22 and it also shows that the petitioner was not named in the F.I.R. The perusal of the order dated 03.04.2023 passed by the Hon'ble High Court in Cr.Misc. No. 6829/23 shows that co-accused Kallappa Siddappa Kudavakkalagi @ Kallappa Kudavakalagi @ Kallappa Kurba Kulagui has been granted bail by the same order. The perusal of the record at this stage also shows that no overt act has been attributed to the petitioner herein either in F.I.R. or in the statements under section-161 Cr.P.C. The perusal of the record also shows that the petitioner herein has one previous

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criminal antecedent which in the facts and circumstances of the case is not an impediment in granting bail to the petitioner herein in this case. Also nothing whatsoever has been brought to the knowledge of this court by the prosecution from which it can be shown that the petitioner will hamper or tamper with the evidences or thwart the cause of justice in case he is released on bail. In these circumstances this court is inclined to grant bail.

8 . Thus, considering the facts and circumstances of the case and submissions and discussion made above, the period of custody and the larger mandate of the article 21 of the Constitution of India and without expressing any opinion on the merits of the case the petitioner is admitted on bail on furnishing bail bond of Rs.20,000/- (twenty thousand) with two sureties of the like amount each, **subject to the condition that one of the bailors shall be either family member or near relative of the accused. Further, the accused shall co-operate in the trial of the case and shall make regular pairvi during the course of trial.**

( Dictated )

A.S.J. XXI, Patna.

Memo No.            dated.....

Copy forwarded to the Court of Ld. A.C.J.M-XIV, Patna for  
information and needful.

A.S.J. XXI, Patna.