

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43884 of 2019

Arising Out of PS. Case No.-1177 Year-2018 Thana- SONEPUR District- Saran

Chandan Kumar, son of Dharmendra Rai, resident of village - Bhinnik Tola, P.S.-
Sonepur, Distt - Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Babita Kumari, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For the Informant	:	Mr. Krishna Kumar Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 27-11-2019

Heard learned counsel for the petitioner; learned APP
for the State and learned counsel for the informant, who has *suo*
motu appeared.

2. The petitioner is in custody in connection with
Sonepur PS Case No.1177 of 2018 dated 04.12.2018 instituted
under Sections 147, 148, 149, 447, 341, 323, 307, 302, 504, 109
of the Indian Penal Code and 27 of the Arms Act.

3. The allegation against the petitioner and eleven
others is of assault. However, the same is general and omnibus,
whereas, against other co-accused, it is specific of firing on one
of the injured and against another co-accused of holding the
person, who was injured. It has further been alleged that all the



persons had come with arms and had fired and also thrown brickbats at the house of the informant.

4. Learned counsel for the petitioner submitted that the allegations are general and omnibus and the specific allegation of firing is against another co-accused. It was submitted that there is counter case also for the same incident in which also persons have been injured. Learned counsel submitted that the injuries caused is simple in nature and even the firearm injury is not attributable to the petitioner, as per the version in the First Information Report itself. Learned counsel submitted that the petitioner is in custody since 05.04.2019.

5. Learned APP and learned counsel for the informant submitted that the petitioner was also party to the assault and was armed with firearm and had indulged in brick-batting at the house of the informant.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the ACJM, Saran, Chapra, in Sonapur PS Case No.1177 of 2018, subject to the conditions (i) that one of the bailors shall be close relative of the petitioner (ii)



that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

7. The application stands disposed off.

(Ahsanuddin Amanullah, J)

J. Alam/-

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