

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.12820 of 2020**

Arising Out of PS. Case No.-457 Year-2019 Thana- LAHERIYASARAI District- Darbhanga

MONU KUMAR, Son of Kamlu Singh @ Kamal Kishor, Singh Resident of  
Mithila Nagar (Saidnagar), P.S.- Bahadurpur, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bimkramdeo Singh, APP

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

ORAL ORDER

2      03-06-2020                      The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and learned APP for the State.

The present application has been preferred with a prayer for bail in a case registered for the offences punishable under Sections 307, 353, 387,34 of the Indian Penal Code.

The prosecution as per the self statement of Inspector-cum-S.H.O., Laheriasarai Police Station recorded on 28.10.2019 at 12.30 P.M. is to the effect that on 28.09.2019 at 12.00 P.M, during patrolling, the informant received information that one shopkeeper has been shot dead at new market, consequently, he reached the spot when on seeing him, 3-4 accused persons, on a motorcycle started fleeing away, and



they resorted to fire on the police. Subsequently, the informant came to know from the local people that all the FIR named accused person, including the petitioner along with 3-4 unknown were trying to create terror among the shopkeepers when Navin Kumar Kasera asked the miscreants to go away upon which all the accused persons started abusing and assaulted him with fists and slaps and ultimately co-accused, Raunak Kumar resorted to fire on him, as a result, Navin Kumar Kasera died.

It is submitted by learned counsel for the petitioner that for the same alleged occurrence Laheriasarai P.S. Case No. 456 of 2019 has also been lodged with the specific accusation that co-accused, Raunak Singh, Samir Sahi and Raja Chaudhary were armed with pistol. In that case, the petitioner is not alleged to have armed with pistol and there was no accusation against him making an offence under Section 304 of the Indian Penal Code. Hence, the accusation has been leveled on basis of mere suspicion. The investigation has already been concluded and the petitioner is languishing in custody since 28.11.2019. It is further submitted that apart from the present case, the petitioner is accused in one more case.



Learned APP for the State submits that there is accusation of firing on the police.

Considering the fact that the investigation has already been concluded, the FIR has been lodged merely on the basis of suspicion and no injury has been caused, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned CJM, Darbhanga, in connection with Laheriasarai P.S. Case No. 457 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned CJM, Darbhanga, in connection with Laheriasarai P.S. Case No. 457 of 2019.



The learned Court below is at liberty to further extend the period of provisional bail if the lock down is not over in next three months.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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