

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2970 of 2020**

Arising Out of PS. Case No.-123 Year-2017 Thana- SURYAGARHA District- Lakhisarai

Chhotu Kumar, Son of Late Bisheshwar Yadav Resident of Village - Nista,  
P.S.- Suryagarha, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                        |   |                                            |
|------------------------|---|--------------------------------------------|
| For the Petitioner/s   | : | Mr.Raj Kishore Prasad                      |
| For the State          | : | Mr. Nawal Kishore, APP                     |
| For the Opposite Party | : | Mr. Amit Kumar Anand<br>Mr. Lalmani Sharma |

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

4      20-03-2020                      Heard learned counsel for the petitioner and learned  
counsel for the State.

Petitioner seeks regular bail in connection with  
Suryagarha P.S. Case No. 123 of 2017, registered for the offence  
punishable under Sections 147, 148, 149, 447, 323, 324, 307,  
302/120(B) of the Indian Penal Code.

The allegation against the petitioner in the First  
Information Report is that the petitioner along with other  
accused person fired indiscriminately while the informant and  
others were sitting in front of their house and the co-accused  
Lalan Kumar fired upon the sister-in-law (Bhabu) of the  
informant, namely, Shalo Devi and three other accused persons,  
namely, Mukesh Yadav, Rambalak Yadav and Krishnandan



Yadav fired indiscriminately towards, Dularchand Kumar (brother of informant) due to which, Dularchand Kumar has received grievous injury on his leg and head while fleeing. The firing made by co-accused, Lalan Kumar, caused death of the sister-in-law (Bhabhu) of the informant, namely, Shalo Devi.

Mr. Raj Kishore Prasad, learned counsel for the petitioner submits that both the parties are relatives and co-villagers and there is land dispute between them. Learned counsel further submits that there is case and counter case between the parties inasmuch as Suryagarha P.S. Case No.124 of 2017 was lodged by the co-accused, Mukesh Yadav, against family members of the informant alleging therein that they also fired indiscriminately upon the informant and other family members causing injury to Sanju Devi. Learned counsel further submits that due to typographical mistake, the name of the victim in the FIR lodged by co-accused, Mukesh Yadav, has been mentioned as 'Sanju Devi' instead of 'Shalo Devi'. Learned counsel after referring to Annexure-4 submits that police submitted application before the learned C.J.M., Lakhisarai praying therein for adding Section 302 against accused person in connection with Suryagarha P.S. Case No.124 of 2017. Learned counsel further submits that charge-sheet has



been submitted against the petitioner and co-accused persons, namely, Krishnandan Yadav, Mukesh Yadav, Ritesh Kumar, Ranvir Kumar, have been granted bail in Cr. Misc. No.41123 of 2017, Cr. Misc. No.52230 of 2017, Cr. Misc. No.44390 of 2018 respectively. Learned counsel further submits that there is no possibility of tempering with the evidence, if the petitioner is released on regular bail.

On the other hand, Mr. Amit Kumar Anand, learned counsel for the informant vehemently opposes the prayer for regular bail and submits that the petitioner with common intention resorted to indiscriminate firing upon the informant and others causing death of sister-in-law of the informant.

After having heard learned counsel for the parties and taking into consideration the fact that both the parties are relatives and co-villagers and there is case and counter case between them and the allegation is of discriminate firing is on both sides and no specific overt act has been alleged against the petitioner and some of the accused persons against whom allegation of firing is there upon the sister-in-law of the informant have been granted bail by this Court and the petitioner is in custody since 13.09.2019, I am inclined to grant regular bail to the petitioner.



Accordingly, let the petitioner, above named, be released on regular bail upon furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai, in connection with Suryagarha P.S. Case No. 123 of 2017, with following conditions :-

(1) one of the bailors should be local people having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the Court and his absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

**(Anil Kumar Sinha, J)**

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