

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20090 of 2021**

Arising Out of PS. Case No.-306 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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RAJAN KUMAR @ MONU KUMAR Son of Jagdish Sah Resident of
Village - Dadar Police Line infront of Mai Asthan, P.S.- Ahiyapur, District -
Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate. Mr. Prabhat Kumar Singh, Advocate.
For the Opposite Party/s :		Mrs. Nirmala Kumari, APP
For the Informant	:	Mr. Vijay Kumar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-07-2021 Heard learned senior counsel for the petitioner,

learned counsel for the informant and learned APP for the State

through virtual Court proceedings.

Learned counsel for the petitioner undertakes to

remove the defects within four weeks of resumption of normal

court proceeding. In the eventuality of non-removal of defects

within undertaken period, the office will place the matter before

the Bench.

The petitioner seeks bail in a case registered for the

offence punishable under Section 341 & 307/34 of the Indian

Penal Code and Section 27 of the Arms Act.

The petitioner along with other co-accused is said



to have called the informant and resorted firing upon him due to which he sustained injury on the right side of his chest.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case. No incriminating article has been recovered from his conscious physical possession. No T.I. parade has been conducted. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Neither the phone number from which call was made to the informant belongs to him nor the said motorcycle. There is nothing in the record indicating the complicity of the petitioner in the occurrence. It is further submitted that the allegation of firing is against co-accused. The petitioner has one criminal antecedent, as is mentioned in para-3 of this application, and has been languishing in custody since 28.09.2020.

Learned counsel for the informant and learned APP for the State vehemently opposing the bail petition submitted that there is serious allegation against the petitioner of resorting firing due to which informant sustained grievous injury. It is further submitted that the informant is an advocate by profession.



Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Sadar P.S. Case No.306 of 2020, subject to the following conditions :

(1) that one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner will mark his attendance in the local police station in first week of every month till conclusion



of trial, failing which the prosecution will be at liberty to move
cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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