

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35484 of 2020

Arising Out of PS. Case No.-212 Year-2019 Thana- PARASBIGHA District- Jehanabad

SUDHIR KUMAR S/o Late Naresh Sharma @ Naresh Singh Resident of
Village- Koshdihara, P.S.- Parasbigha, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arbind Kumar Singh, Adv.
For the Informant	:	Mr. Sunil Kumar, Adv.
For the State	:	Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 30-01-2021 Heard Mr. Arbind Kumar Singh, learned counsel for the petitioner, Mr. Sunil Kumar, learned counsel for the informant and Mr. Akshay Lal Pandit, Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail in connection with Parasbigha PS Case No. 212/2019 registered for the offence punishable under Section 307/34 of the IPC and Section 27 of the Arms Act and subsequently, Section 302 IPC was also added.

3. The allegation, as per First Information Report, is that the petitioner fired upon the informant but the bullet did not hit him, however, the son of the petitioner, co-accused, Bittu Kumar @ Balaji fired upon the stomach of the informant due to which he died during course of treatment after one month.

4. Learned counsel for the petitioner submits that the



petitioner has not committed any offence in the manner alleged and for the same occurrence two FIRs have been lodged inasmuch as the present FIR has been lodged by the injured-cum-deceased himself and the second one has been lodged by the police bearing Parasbigha PS Case No. 210/2019 in which the petitioner is not named as an accused.

5. Learned counsel further submits that petitioner is in custody since 21.11.2019 and referring to the supplementary affidavit learned counsel submits that apart from antecedents mentioned in the main bail application, petitioner has three more cases as criminal antecedents out of which, the petitioner has been acquitted in two cases bearing Jehanabad (Parasbigha) PS Case No.90/2003 and Parasbigha PS Case No. 83/2010.

6. On the other hand, learned counsel for the informant and the State vehemently, opposed the prayer for bail and submit that the petitioner and his son fired upon the informant due to which the informant died in the hospital and the petitioner is having criminal antecedents which was concealed by the petitioner in his original bail application and when it was pointed out by the learned counsel for the informant, a supplementary affidavit has been filed disclosing the antecedents of the petitioner.



7. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that firing made by the petitioner did not hit the informant and the petitioner is in custody since 21.11.2019, I am inclined to grant regular bail to the petitioner subject to the conditions that petitioner will be well represented on each and every date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

8. Accordingly, let the petitioner, SUDHIR KUMAR be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Parasbigha PS Case No. 212/2019.

9. Needless to say that at the time of furnishing bail bonds all the parties shall follow the guidelines of social distancing.

(Anil Kumar Sinha, J)

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