

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3177 of 2022**

Arising Out of PS. Case No.-77 Year-2021 Thana- BEGUSARAI TOWN District- Begusarai

Deepak Kumar @ Bora S/O Nitesh Kumar R/o village- Bagwara, P.S.-  
Muffasil (Singhaul O.P.), District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

3      01-11-2022                      Heard learned counsel for the petitioner and learned  
APP for the State.

Let the defect (s), as pointed out by the office, be  
removed within a period of four weeks.

In the present case, the petitioner seeks bail in  
connection with Begusarai Town P.S. Case No. 77 of 2021  
registered for the offences punishable under Sections 307 and 34  
of the Indian Penal Code.

As per prosecution case, the co-accused Nitish  
Kumar and one unknown miscreants fired upon the informant  
with their pistols and a shot hit the informant on his head and  
another shot hit him on his left buttock. The occurrence took  
place due to dispute between the informant and the co-accused  
Nitish Kumar.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. When the statement of the informant was recorded, he named the other miscreant who fired upon him as Shyam Kumar and not this petitioner. Nothing has come on record to show that the petitioner fired upon the informant. It appears that the petitioner was named in this case merely on suspicion. The petitioner is in custody since 22.02.2021 and charge-sheet has been submitted against him.

Learned APP opposes the prayer for bail of the petitioner. However, he concedes that the informant has named the persons who fired upon him as Nitish Kumar and Shyam Kumar. The name of the petitioner transpired on the basis of information received from the informers.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the distinct lack of material against this petitioner on record to connect him with the offence as alleged and further considering his period of custody and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two



sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Begusarai in connection with Begusarai Town P.S. Case No. 77 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

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