

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6114 of 2022

Arising Out of PS. Case No.-336 Year-2020 Thana- BENIPATTI District- Madhubani

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SUMAN KUMAR YADAV Son of Rangbahadur Yadav Resident of Village-
Chhaprahi, P.S. - Khajauli, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr.APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 13-06-2022 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 from today.

In the present case, the petitioner seeks bail in
connection with Benipatti P.S. Case No. 336 of 2020 registered
for the alleged offences under Section 307, 448 and other allied
sections of the Indian Penal Code and section 27 of the Arms
Act.

The prosecution case is that two miscreants came at
the house of the informant and told him to open the door and on
his denial, one of them fired upon the informant hitting the right
leg of the informant. The petitioner is stated to be one of the
accused persons.



Learned counsel for the petitioner has submitted that the petitioner is not named in the FIR and he has been made accused merely on the basis of suspicion. The petitioner has been falsely implicated in this case due to criminal antecedent and the police got his confessional statement recorded for his involvement in the alleged occurrence. The petitioner has not been put on Test Identification Parade though charge sheet has been submitted without TI parade. Moreover, charge sheet has been filed under section 494 IPC and 27 of the Arms Act but no ingredient of offence under section 494 IPC is attracted in the present case. Further the petitioner had neither entered into the house of the informant nor looted anything. Learned counsel further submitted that petitioner is on bail in other cases. The petitioner is in custody since 02.07.2021.

Learned APP has opposed the prayer for bail and submitted that the name of the petitioner surfaced during investigation.

Having regard to the submission made hereinabove and considering the period of custody, 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 Addl. Chief Judicial



Magistrate I, Benipatti District Madhubani/court concerned in connection with Benipatti P.S. Case No. 336 of 2020, subject to the following conditions:

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner, preferably one of the parents.

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

(iv) In case of absence for 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)

s.hassan/-

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