

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14262 of 2022

Arising Out of PS. Case No.-107 Year-2017 Thana- KOTWA District- East Champaran

Suman Saurav S/o Rakesh Jha Resident of Village - Telhara Kala, P.S. -
Kundwa Chainpur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 31-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with Kotwa
P.S. Case No.107 of 2017 registered for the offences under
Sections 341, 307, 506, 387, 34 of the Indian Penal Code and
Section 27 of the Arms Act.

As per the allegation, on the alleged date and time of
occurrence three miscreants arrived at the construction site and
started firing indiscriminately at the place and owing to that
firing glasses of JCB machine got damaged and during that
course one of the accused persons asked the contractor to pay



5% levy and also threatened to face dire consequences if the said demand was not fulfilled.

The main submissions advanced by the learned counsel Mr. Priyesh Kumar for the petitioner are that the alleged offences of Sections 307 and 387 of the Indian Penal Code are not made out against the petitioner, the investigation has been completed against the petitioner and the main evidence upon which the police and prosecution are relying are statements of this petitioner and co-accused persons which have no evidentiary value and the petitioner has been languishing in jail since 20th February, 2020 and the co-accused Santosh Kumar Singh who disclosed the name of this petitioner has been granted bail by the Court below and three other co-accused persons named Rajesh Singh, Bikal Kumar Singh and Sumit Kumar @ Raj Tilak Singh have also been granted bail by different benches of this Court vide orders passed in Cr. Misc. No. 6060 of 2018, Cr. Misc. No. 8667 of 2018 and Cr. Misc. No.9744 of 2018 respectively and the petitioner's case stands on similar footing with them.

Learned APP Mr. Nitya Nand Tiwary appearing for the State has opposed the bail prayer but accepted that during the course of investigation the only material found against the



petitioner is his statement as well as statement of co-accused.

In view of above submissions and mainly considering the fact that the investigation has been completed in respect of the petitioner and the petitioner has been languishing in jail since 20th February, 2020 in the present matter and some similarly situated co-accused persons are on bail and no one sustained injury in the alleged firing, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner 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 the concerned Court in connection with Kotwa P.S. Case No.107 of 2017, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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



(3) One of the bailers shall be a close relative of the
petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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