

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21041 of 2022

Arising Out of PS. Case No.-97 Year-2021 Thana- BARIYARPUR District- Munger

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Suman Kumar S/o Manoj Mandal R/o village- Gandhipur, P.S.- Bariarpur,
Distt.- Munger

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr.Kumar Kamal Nayan, Advocate
For the Opposite Party/s	:	Dr. Indihar Kumari, APP
For the informant	:	Mr. Sanjay Kumar Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-08-2022 Heard learned counsel for the petitioner, State and

the informant.

Let the defect(s), if any, as pointed out by the

office, be removed within four weeks.

The case has been registered under section 307/34

of the Indian Penal Code and Section 27 of the Arms Act in

connection with G.R. No. 1942 of 2021, arising out of Bariarpur

P.S. Case No. 97 of 2021.

The allegation in the FIR is that when the

informant was sitting outside of his home, it is alleged that the

two named accused including the petitioner herein came to his

place and on the order of the petitioner, Manish Kumar opened

fire causing injury in his chest. Thereafter, they fled away from



the place of occurrence. He was brought to Bariarpur nursing home from where he was shifted to Munger Government Hospital but considering his situation, he was brought to Patna where he lodged this FIR.

Learned counsel for the petitioner submits that as per allegation in the FIR, he is an order giver whereas the main role has been attributed to Manish Kumar who opened fire, causing injury in the chest of the informant who later succumbed to his injuries.

Taking into account the fact that the petitioner is an order, main role has been attributed to Manish Kumar, charge-sheet stands submitted and he is in custody since 27.8.2021 (as stated in para-17 of the bail application), this Court is inclined to grant him the privilege of bail but with certain conditions as he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-II, Munger, in connection with G.R. No. 1942 of 2021, arising out of Bariarpur P.S. Case No. 97 of 2021 subject to the following conditions:

- (i) one of the bailors should be the family members of



the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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