

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26315 of 2022

Arising Out of PS. Case No.-258 Year-2021 Thana- GOPALPUR District- Patna

SUJIT KUMAR @ PANDIT S/o Umesh Rai R/o village- Bairiya, P.S.-
Gopalpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Shankar Sinha

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 31-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Special Case No. 4621 of 2021 arising out of Gopalpur P.S.
Case No. 258 of 2021 registered for the offences punishable
under Sections 147, 148, 149, 341, 307, 504, 506 of the Indian
Penal Code read with Section 25(1-b)a, 26, 27 of the Arms Act
and Section 37(b)(c) of Bihar Prohibition and Excise
Amendment Act, 2018.

As per prosecution case, the son of informant
namely Rajnish Kumar, when going to his maternal home, in the
meantime, some miscreants including petitioner came in



his way to obstruct him. It is alleged that co-accused Subodh Kumar alias Pandwa, who was in drunken stage opened fire upon the son of the informant with intention to kill him and the injured was admitted in Hospital. Accusation against the petitioner that he had given threat prior to the incident.

Learned counsel for the petitioner submits that petitioner is in custody since 06.03.2022. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that there is a case and counter case between the parties. No overt-act has been attributed to the present petitioner, so far as, the nature of allegation is concerned from the perusal of F.I.R. The specific allegation was upon the co-accused Subodh Kumar Pandwa who sought fire on the son of the informant. The petitioner is merely member of mob. Co-accused Niraj Kumar and Nitish Kumar have already been granted anticipatory bail vide Cr. Misc. No. 10992 of 2022 by a co-ordinate bench of this Court and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, nature of allegation, charge-sheet has



already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Patna in connection with Special Case No. 4621 of 2021, Gopalpur P.S. Case No. 258 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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