

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26468 of 2022**

Arising Out of PS. Case No.-13 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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Raj Kumar Son of Lalan Paswan, R/O - Bheriahi Soti, P.S.- Kanti Dist.-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 26546 of 2022

Arising Out of PS. Case No.-13 Year-2021 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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MD. SONU ALAM @ SONU S/o Md. Allauddin Sah, R/o village Bheriahi
Soti, P.S. - Kanti, Dist. Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 26468 of 2022)

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

For the Opposite Party/s : Mr. Shailendra Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 26546 of 2022)

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

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 11-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

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

The petitioners seek regular bail in connection with
Muzaffarpur Town P.S. Case No. 13 of 2021 lodged under

Sections 302 and 394 of the Indian Penal Code read with section 27 of the Arms Act but subsequently charge sheet has been submitted under sections 326, 396 and 412 of the Indian Penal Code.

As per prosecution, the present case has been filed against 3 unknown criminals, who alleged to attack on the informant and his brother when they left their shop in Afsara market towards Sikandarpur and take left turn to Jawaharlal Road. The informant further alleged that 3 unknown persons reached there on a motorcycle, two persons came forward and fired on his brother and thrown *Mirchi* powder in the eyes of the informant. Allegation of robbery of 40-60 thousand rupees is also there. The brother of the informant was brought in the hospital where doctor declared him dead.

Learned counsel for the petitioners submits present case has been filed against unknown accused persons. He further submits that nothing incriminating was found from their possession and petitioners were not put on T.I.P.. He further submits that petitioners are in custody since 03.01.2022 having clean antecedent. He further submits that only on suspicion, the name of the petitioners have figured in this case.

Learned counsel for the State opposes the prayer for

bail and submits that from the case diary, it transpires that one co-accused voluntarily made statement under section 164 of Cr.P.C. before the Magistrate and stated that it is Kishan Kumar @ Lallu who has given loaded *katta* to Md. Sonu Alam @ Sonu and Md. Sonu Alam @ Sonu has fired gun shot in the head of the deceased in his presence i.e. petitioner of Cr. Misc. No. 26546 of 2022.

In the present facts and circumstances of the case and the submissions made above, let the bail of the petitioner of Cr. Misc. No. 26546 of 2022 is hereby rejected and bail application of petitioner of Cr. Misc. No. 26468 of 2022 is hereby allowed with a direction to furnish the bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-9th, Muzaffarpur in connection with Muzaffarpur Town P.S. Case No. 13 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that they shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

(Dr. Anshuman, J.)

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