

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27746 of 2022

Arising Out of PS. Case No.-39 Year-2021 Thana- SARMERA District- Nalanda

Karu Kumar Son of Bhanu Prasad Resident of Vilage- Govindpur, Police
Station - Sarmera and District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 17-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Sarmera P.S. Case No. 39 of 2021 lodged under Sections 147,
148, 149, 302 of the I.P.C. read with Section 27 of the Arms Act.

As per the prosecution case, it has been alleged in the
F.I.R. that the informant alongwith her husband and other family
members were returning to their house. Then all of a sudden, 9
accused persons have surrounded them with rifle, pistol in their
hand, all started abusing to the husband of the informant and
started firing by rifle and pistol. Specific allegation against
Chandramauli Prasad and Ranjit Kumar who fired by pistol

upon the husband of the informant due to which he injured, fell down and died there. Thereafter, the allegation has been made against Chandramauli Prasad and Ranjit Kumar to throw the body of the informant's husband in a well.

Learned counsel for the petitioner submits that there is nothing specific against the present petitioner at worst he is the member of mob. He further submits that there is nothing alleged against him in the F.I.R. He is in custody since 17.12.2021. Learned counsel further submits that other co-accused Sahdeo Prasad has been granted bail by the Co-ordinate Bench of this Court vide order dated 13.04.2022 passed in Cr. Misc. No. 52161 of 2021.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that the petitioner become the member of mob who has committed murder of the informant's husband.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at

Biharsharif in connection with Sarmera P.S. Case No. 39 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 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 he 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.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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