

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38731 of 2021**

Arising Out of PS. Case No.-160 Year-2019 Thana- PHULWARIA District- Begusarai

Sumit Kumar @ Amar Kumar, Son of Kishore Prasad Singh R/o Village-
Bihat, Tola Ibrahimpur, P.S.- Barauni (F.C.I.), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma, Adv.

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

3 18-01-2022 The matter has been listed today for consideration
through virtual mode.

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 16.10.2020 seeks
bail in connection with Fulwariya P.S. Case No.160 of 2019
registered for offence punishable under Sections 341, 307,
120B/34 of the IPC read with under Section 27 of Arms Act.

Prosecution case in brief, is that there is certain land
dispute between the informant and others named in the FIR, the
petitioner and one Amit Kumar with an intention to kill the
informant assaulted him with the firearm behind the back which
hit the informant joint side of the thigh.



Learned counsel appearing on behalf of the petitioner submits that the petitioner has no nexus with the co-accused. There is no animosity with the petitioner and the informant and the very allegation that the fire was opened from the back of the informant and there was no occasion to have notice as to who of the either two accused has opened fire on him. He further submits that petitioner is in custody since 16.10.2020 and other co-accused named in the FIR has already been released on bail vide order dated 05.02.2021 passed in Cr. Misc. No.35159/2020.

Learned APP for the State, however, opposes the prayer for grant of bail to the petitioner.

Considering the above-mentioned facts and circumstances of the case, and there being no allegation of tampering the evidence and influencing the witness and the trial being conducted soon, the petitioner, above named is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Ist, Begusarai in connection with Fulwariya P.S. Case No.160 of 2019, subject to the following conditions:

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court



concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

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

(Purnendu Singh, J)

Prakash Narayan /-

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