

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46691 of 2021**

Arising Out of PS. Case No.-94 Year-2020 Thana- BAKHTIYARPUR District- Patna

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SURAJ KUMAR @ PHAITER SINGH S/o RAM KUMAR SINGH R/o
VILLAGE-RAGHOPUR, P.S.-BAKHTIYARPUR, DISTRICT-PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Sinha

For the Opposite Party/s : Mr.Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

3 01-04-2022 Heard learned counsel appearing on behalf of the petitioner and learned A.P.P. for the State, through video conferencing.

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

The petitioner seeks regular bail in connection with Bakhtiyarpur P.S. Case No. 94 of 2020 for the offence punishable under Sections 147, 148, 149, 326, 307 and 120B of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution story, in brief, is that while the informant along with his brother was sitting at the door of his house, the accused persons named in the F.I.R. armed with



pistols started firing and in the said firing, the brother of the informant sustained fire arm injury.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. There is no allegation of tampering the evidence or influencing the witnesses. Charge sheet has been submitted in the case. There is no specific allegation of firing attributed against the petitioner rather there is general and omnibus allegation against him. No specific overt act is alleged against the petitioner. At best, the petitioner is said to be member of the unlawful assembly. It is further submitted that similarly situated co-accused namely Suraj Ray, Karu Ray and Manta Yadav @ Mantu Kumar have been granted bail vide orders dated 23.11.2020 and 21.01.2022 passed in Cr. Misc. Nos. 30853 of 2020 and 41730 of 2021 by a co-ordinate Bench of this Court and by this Court respectively. Petitioner is in custody since 25.01.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, period of custody of the petitioner and similarly situated co-accused against whom also there is



general and omnibus allegation have already been released on bail, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Barh, Patna in connection with Bakhtiyarpur P.S. Case No. 94 of 2020, 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 tampers 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.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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