

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51916 of 2021

Arising Out of PS. Case No.-440 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Chunni Kumar @ Piyush Kumar S/o- Nawal Singh @ Nawal Kishore Singh
Resident of Village- Iniyar, P.S.- Begusarai Muffasil (Lakho O.P.), District-
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 324, 307, 302/34 of the
Indian Penal Code and Section 27 of the Arms Act.

According to prosecution case, on 29.08.2020 the
petitioner alongwith two more named and two unknown persons
came at the door of the informant, had some altercations with
his son Vikash and the petitioner opened fire causing firearm
bleeding injury in his left waist and the accused Murari shot him
in his head as result Vikash fell down and during course of



treatment he died.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case due to enmity. He further submits that allegation against the petitioner is that he fired upon the deceased with the other accused persons in his left waist. He further submits that it appears from the postmortem report that the cause of death of the deceased is head injury shot by the co-accused namely Murari Kumar as alleged in the F.I.R. He further submits that similarly situated, co-accused, namely, Shubhan Kumar @ Shivam Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 19.07.2021 passed in Cr. Misc. No. 15245 of 2021. The petitioner is in custody since 10.03.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Begusarai Muffasil (Lakho O.P.) P.S. Case No. 440 of 2020, subject to the



following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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