

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42461 of 2022**

Arising Out of PS. Case No.-181 Year-2021 Thana- SILAO District- Nalanda

Chunchun Kumar S/o Mr. Shyam Sundar Prasad, R/o village- Chandraura,  
P.S.- Chhabilapur, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

|                          |   |                                 |
|--------------------------|---|---------------------------------|
| For the Petitioner/s     | : | Mr. Ajay Kumar Thakur, Sr. Adv. |
|                          | : | Mr. Shivam, Adv.                |
| For the Opposite Party/s | : | Mr. Md. Matloob Rab, APP.       |

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      05-12-2022                      Let the defect(s), if any, be removed within two weeks  
from today.

Heard Mr. Ajay Kumar Thakur, learned Sr. Counsel  
for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with  
Silao P.S. Case No. 181 of 2021, lodged under Sections 302,  
120(B) of the Indian Penal Code read with Section 27 of the  
Arms Act.

As per prosecution case, the informant has submitted  
a written report before the Police intimating that her husband  
was going to Silao on motorcycle for repairing of electric motor,  
thereafter he was returning, then the named accused persons  
alongwith 7-8 other persons overtake the motorcycle of husband

of informant and all of a sudden fired by *desi katta* on his body, due to which he received 4 injuries in chest and head and subsequently died on spot. It has been alleged that the death of husband of informant was caused due to the reason that he was witness in the litigation, in which informant's nephew was killed.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence, a false case has been instituted against him. He further submits that there is no allegation of Section 302 of Cr.P.C. He also submits that the deceased was died on spot itself and upon investigation the only material come against the present petitioner that he has played the role of liner in this case. Learned counsel for the petitioner further submits that petitioner is in custody since 23.11.2021 and charge sheet has already been filed.

Learned counsel for the State opposes the prayer for bail.

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 Silao P.S. Case No. 181 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 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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