

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61623 of 2021**

Arising Out of PS. Case No.-347 Year-2019 Thana- MINAPUR District- Muzaffarpur

Sudhir Kumar, Son of Bhagyanarayan Ray, Resident of Village - Maksudpur,
P.S.- Meenapur, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Advocate Mr. Mukesh Kumar, Advocate Mr. Sanjiv Kumar, Advocate
For the Opposite Party/s	:	Md. Aslam Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

4 08-08-2022 Heard learned senior counsel for the petitioner and
learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Meenapur P.S. Case No. 347 of 2019, registered for the alleged offences under Sections 326, 307, 120 (B) of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, the son of the informant was shot at by unknown miscreants in his car. Later on, he succumbed to his injuries. The informant alleged that the petitioner has had an altercation with his deceased son three



days prior to the occurrence.

Learned senior counsel appearing on behalf of the petitioner submits that except for suspicion of the father of the informant, nothing came up during investigation against this petitioner. The fact also came to fore that the victim had illicit relationship with the daughter of one Vijay Rai and on the date of occurrence, the son of Vijay Rai, namely Krishan Mohan Rai was seen near the place of occurrence and the witnesses examined during the investigation have stated this fact. It has also come up during investigation that the mobile tower location of this petitioner was not near the place of occurrence. The charge sheet has been submitted in this case and the petitioner is in custody since 30.06.2021.

Learned APP opposes the prayer for bail submitting that from paragraph 112 of the case diary, it appears that tower location of the mobile phone of the petitioner was near the place of occurrence on the relevant date. The petitioner is having criminal antecedents.

Having regard to the facts and circumstances of the case and the submissions made hereinabove and further considering the fact that nothing of substance came up against this petitioner except for the report regarding tower location of



this petitioner and the statement of the informant about some altercation of the petitioner with the deceased a few days back to the date of occurrence and also considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur, in connection with Meenapur P.S. Case No. 347 of 2019, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be the close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable



to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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