

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.54174 of 2022**

Arising Out of PS. Case No.-38 Year-2022 Thana- BALIYA District- Begusarai

Murari Kumar Son of Bhagirath Singh Resident of Village - Rahatpur, P.S.-
Ballia, Distt.- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sahil Raj, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-12-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks from today.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Ballia P.S. Case No. 38/2022 registered for the offences under Section 147, 148, 149, 341, 323, 352, 307, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act. He is in custody since 30.06.2022 having no criminal antecedent.

As per the prosecution story, the informant has alleged that on 02.02.2022 while he was returning home from Sukhasan Bandh and reached near Gupta Bandh, six persons surrounded him and on the order of Surendra Singh, the accused Murari Kumar and Rupesh Kumar fired at him which hit on the left elbow of the



informant and they were also assaulted him. The informant further alleged that before this occurrence, the while he was constructing of his latrine room, the accused persons was opposing the said construction work and threatened him of dire consequences.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that it is dispute over construction of a toilet room, however he is in custody since 30.06.2022.

Mr. Akhileshwar Dayal, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it appears that a dispute over construction of toilet took place between the informant and the accused, the accused were claiming that the informant had constructed a toilet on the piece of land which belong to them and in the alleged occurrence, the accused persons seem to have been indulged, and there is an allegation that the firing hit the elbow of the informant causing simple injury and the petitioner has remained in custody since 30.06.2022 and otherwise he has no criminal antecedent, as also there being no submission that his release is likely to tampering with the evidence or interfering with the course of trial, therefore this Court directs release of the petitioner above-named 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 Chief Judicial Magistrate, Begusarai in connection with Ballia P.S. Case No. 38 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

This application is allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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