

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64907 of 2021

Arising Out of PS. Case No.-173 Year-2020 Thana- BIDUPUR District- Vaishali

Sunny Kumar Son Of Vishwanath Ray R/O Village- Bidupur Dih, P.S.-
Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 324, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, in brief, is that the informant on 11.05.2020 at about 10:30 P.M. in night was going to his Dalan for sleeping. In the meantime, accused namely Sunnu Kumar and other accused came and started abusing to the



informant. When informant protested to do so then co-accused Bipin Kumar took out pistol from his waist and fired upon the informant which hit on the informant's stomach and also Basant and Sonu Kumar also fired upon informant with intention to kill him which hit the informant's hand and blood oozed out. On hearing the sound of firing people nearby assembled there then all accused persons fled away and at the time of fleeing away accused Sunny Kumar and Vikash also made air firing. Informant was taken to Government Hospital, Bidupur from where he was referred to P.M.C.H., Patna for better treatment.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. Further submits that as per F.I.R. allegation against the petitioner is that the petitioner was associate of co-accused Bipin Kumar and others who have fired upon the informant. Further submits that the firing upon the informant is against co-accused Bipin Kumar, Basant Kumar and Sonu Kumar. Further submits that co-accused Sonu Kumar has been granted bail by a Coordinate Bench of this Hon'ble Court on 23.08.2021 in Cr. Misc. No. 24250 of 2021 and the petitioner is in custody since 04.06.2021.

Learned APP for the State has opposed the prayer



for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bidupur P.S. Case No. 173 of 2020, with 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 witness, 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)

Ibrar//-

U			
---	--	--	--

