

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54799 of 2022

Arising Out of PS. Case No.-158 Year-2020 Thana- BIDUPUR District- Vaishali

Rahul Kumar Son of Alok Kumar @ Pintu Resident of Village- Gopalpur
Chaknai, P.S. Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravish Mishra, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and the

learned APP for the State through virtual mode in view of

COVID-19.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Bidupur P.S. Case no.158 of 2020 instituted under Sections
323, 341, 324, 304/34 of the Indian Penal Code and Section 27
of the Arms Act.

As per the prosecution story, the accused persons
including the petitioner herein came to the informant's house
and started abusing her. The further allegation is that the co-
accused Kundan Kumar Singh and Ritesh Kumar opened fire
which hit her thigh and she suffered injuries.

Learned counsel for the petitioner submits that this is



clearly a counter case to protect the family against whom the petitioner has already lodged Bidupur P.S. Case no.152 of 2020 under section amongst other 307 of the Indian Penal Code and section 27 Arms Act. Further Arun Kumar, brother of co-accused Ritesh Kumar had lodged Bidupur P.S. Case no.153 of 2020 under Section 302/34 of the Indian Penal Code against the two sons and brother-in-law of the informant as his brother was brutally killed. He further submits that as an afterthought, the present case has been instituted which can be reflected from the FIR itself that for a occurrence on 03-05-2020, the FIR was lodged on 07-05-2020.

It is his last submission that in any case, the allegation in the FIR is against co-accused Kundan Kumar Singh and Ritesh Kumar with only omnibus allegation against the petitioner herein for which he has remained in custody since 20.07.2022 (as stated in para-16 of the bail application) and do not have criminal antecedent.

Considering the all the aforesaid facts that there are case and counter case including a case of Section 302 of the IPC against the family members of the informant, the allegation is against the other accused persons Kundan Kumar Singh and Ritesh Kumar there is omnibus allegation, he is in custody since



20.07.2022 do not have criminal antecedent and in any case the injuries have been found to be simple in nature (which has been incorporated as para-14 of the bail application), this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Bidupur P.S. Case no.158 of 2020 to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan/
Ajay

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