

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 55304 of 2022**

Arising Out of PS. Case No.-54 Year-2021 Thana- NOWKOTHI GARHPURA District-
Begusarai

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BAMBAM KUMAR S/o Khakharu Singh @ Mahesh Singh R/o village-
Dafarpur, P.S.- Nowkothi, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr Umanath Mishra, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, **APP**) appearing for
the State of Bihar through Virtual Mode.

The petitioner seeks bail in Nowkothi Police Station
(for brevity, **PS**) Case No 54 of 2021 registered for the offence
punishable under Sections 323, 341, 506, 307/34 of Indian Penal
Code and Section 27 of Arms Act.

Informant has alleged that petitioner, along with four
named and three unnamed accused, were travelling in a vehicle
and they stopped him at gunpoint. Co-accused Ram Uday Singh
has ordered to kill him. Co-accused Nitish Kumar and Brajesh
have allegedly fired but the informant has not sustained any
injury.



Learned counsel for the petitioner submits that having no antecedents, the petitioner's implication is based on extraneous consideration. Even, as per First Information Report (for brevity, **FIR**), allegation of firing is not attributed to the petitioner. The FIR has been lodged two days after the occurrence. The petitioner is in custody since 29.06.2022.

Learned APP has opposed the prayer for bail. It is submitted that petitioner is named and his participation is apparent from the FIR.

Having regard to the submissions that there being no allegation against the petitioner of firing, his clean antecedent, delay in lodging the FIR as well as the custody since 29.06.2022, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 01st Class, Begusarai in Nowkothi PS Case No 54 of 2021 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to



how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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