

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9518 of 2023

Arising Out of PS. Case No.-67 Year-2022 Thana- MADHEPURA District- Madhepura

Sudhir Kumar Son Of Motar Yadav @ Nageshwar Yadav R/O Village- Balwa,
Ward No.09, P.S.- Shankarpur, District- Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-05-2023 Heard Mr. Rajnish Kumar Singh, learned counsel for
the petitioner and the learned APP for the State.

The petitioner is in judicial custody in connection with Madhepura (Bharrahi) P.S. Case No.67/2022, instituted under Sections 341, 323, 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act lodged on 22.01.2022 by the informant Alok Kumar.

As per the FIR, the informant on 21/01/22 was coming to his house by his pulsar motorcycle from Saharsa. Three persons riding on another pulsar motorcycle started following him from 'Chandani Chowk' and when the informant reached on turning between Bhadaul and Bakhri, these persons intercepted him and started asking for motorcycle keys. As the informant refused to give the keys and tried to flee away on his motorcycle, the miscreants fired bullet over him, which hit him



on his right leg but the informant somehow succeeded in fleeing and went to hospital for his treatment. Accordingly, the FIR.

It has been submitted by the learned counsel that his name has come in the confessional statement of Rahul Kumar and Pappu Kumar and further despite he being in custody since 08.09.2022 (as stated in para-13 of the petition), neither any T.I. parade has been done nor any recovery made from him. It has further been submitted that without accepting the allegation and/or the outcome of the present case, he would like to give medical assistance of Rs.15000/- to the injured.

Taking into account the fact that despite he being in custody since 08.09.2022 no T.I. parade has been done nor recovery has been made, any incriminating article has not been recovered from this possession, this Court is inclined to extend him privilege of bail subject to payment of Rs.15,000/- with conditions considering the fact that he has criminal antecedent.

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 Madhepura (Bharrahi) P.S. Case No.67 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Madhepura, 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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year 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.

(Rajiv Roy, J)

Prakash Narayan /-

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