

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31434 of 2023

Arising Out of PS. Case No.-175 Year-2022 Thana- KONCH District- Gaya

NAGENDRA KUMAR Son of Late Kamta Singh @ Late Kamta Prasad
Singh Resident of village - Chhatihar, P.S. - Konch, Distt. - Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-06-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is in judicial custody in connection with Konch P.S. Case No.175 of 2022 instituted under Sections 341, 323, 307, 354, 386, 504, 506, 34 of the Indian Penal Code and Section 27 of the Arms Act lodged on 07.05.2022 by the informant Ravi Ranjan Kumar.

As per the prosecution story, the informant alleged that when he was constructing fence on his land, Narendra Kumar and his brother Nagendra Kumar came and allegation is of assault and demand of extortion money by Narendra Kumar. The further allegation is that while the present petitioner assaulted with a *lathi*, one Narendra Kumar opened fire causing injury on the informant's leg. He was brought to the Primary Health Center from where referred to Magadh Medical College,



Gaya. Accordingly, the FIR

Learned counsel for the petitioner submits that demand of extortion money as also opening of fire is on Narendra Kumar. So far as this petitioner is concerned, there is allegation of assaulting with lathi, danda. Further he do not have criminal antecedent.

Learned APP opposes the prayer for bail.

Taking into the fact that main allegation is against Narendra Kumar of opening fire, the petitioner is in custody since 04.02.2023 (as stated in para-15 of the petition) and do not have criminal antecedent, 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 Konch P.S. Case No.175 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Gaya , 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 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.

(Rajiv Roy, J)

Prakash Narayan /-

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