

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32789 of 2023

Arising Out of PS. Case No.-488 Year-2021 Thana- DAUDNAGAR District- Aurangabad

AJAY KUMAR s/o Late Basudev @ Basudeo Singh Resident of Dhewhi,
P.S.- Daudnagar, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 28-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is an accused in connection with Daudnagar P.S. Case No. 488 of 2021 registered for the offences under sections 147, 148, 149, 341, 323, 120(B), 384, 302 and 504 of the Indian Penal Code and section 27 of the Arms Act lodged on 01.09.2021 by the informant, Arbind Kumar Singh.

As per the prosecution story, the informant Arbind Kumar Singh, alleged that the accused persons including the petitioner herein forcefully tried to take his son namely, Mayank Kumar@ Dablu inside the vehicle with an intention to kidnap him but he resisted and somehow managed to escape from there. The accused persons followed him in order to chase him. Following this, Ashok Singh opened fire on Mayank which hit



Ravi Kumar, Balvir and Sanoj. However, Mayank managed to save himself. Later, the accused persons and 20-25 unidentified persons armed variously assaulted Mayank Kumar.

Thereafter, the allegation is that the accused persons locked him inside the Community Health Centre, Dhewhi. The informant after knowledge about the occurrence, informed the police who took the injured to Sadar Hospital, Aurangabad where he succumbed to his injuries during course of treatment. Accordingly, the FIR.

Learned Counsel for the petitioner submits that earlier the informant's side attacked his shop who runs Priya Hardware in Jinoriya, Aurangabad and after threatening that the extortion money has not been provided on the order of Manish Kumar. Dablu, Manish and Ranjit put revolver on them and took away Rs. 30,000/- from the cash and further Dablu opened fire which hit the stomach of Sanoj while the Manish opened fire which hit the present petitioner. Thereafter, the villagers assembled and beaten the informant's side which led to lodging of the present case.

It is his submission that even going by the FIR although his name has come in the list of accused, the allegation is on Ashok Singh of opening fire as also having been beaten by



the other accused persons. The last submission is that he has no criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that he was amongst the accused who assaulted the informant's side.

Considering the fact that there is case and counter case, he do not have criminal antecedent and is in custody since 22.03.2023 (as stated in paragraph-15 of the bail application).

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned S.D.J.M., Daudnagar, District- Aurangabad in connection with Daudnagar P.S. Case No. 488 of 2021, subject to the 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 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 his 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)

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