

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 32766 of 2023

Arising Out of PS. Case No.-504 Year-2021 Thana- PARBATTa District- Khagaria

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Bulet @ Suman Kumar @ Bulet Kumar Son of Manoj Yadav @ Manoj Kumar Resident of village - Baisa, P.S.- Parbatta, District - Khagaria, Presently residing at - Araria, P.S.- Parbatta, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Adv.

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-06-2023 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Parbatta (Maraiya) P.S. Case No. 504 of 2021 dated 21.11.2021 lodged under Sections 307 and 34 of the I.P.C. read with Section 27 of the Arms Act.

As per the prosecution case, the F.I.R. has been lodged against 5 named accused persons against whom the allegation of assaulting and firing at the informant are there.

Learned counsel for the petitioner submits that there are 5 named accused persons including the petitioner. From the

content of F.I.R., it is crystal clear that the specific allegation of gun-shot is against accused namely, Sonu Kumar. The allegation against the petitioner is only up to the extent that he is a member of mob.

Counsel further submits that petitioner is in custody since 20.11.2022 having one criminal case pending against him in which he is on bail and charge-sheet has already been submitted in this case.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st Khagaria in connection with Parbatta (Maraiya) P.S. Case No. 504 of 2021 , subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of

his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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