

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40459 of 2023

Arising Out of PS. Case No.-34 Year-2022 Thana- BIBHUTIPUR District- Samastipur

SUNIL KUMAR @ CHHOTU KUMAR Son of Sri Ram Bilash Mahto @
Makhani Resident of village - Surauli, ward no. 1, P.S. - Bibhutipur, Distt. -
Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lakshmindra Kumar Yadav, Adv.

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-08-2023 Heard the parties.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 307/34 of the Indian Penal Code and under Section 27 of the Arms Act.

3. The allegation against the petitioner is that he along with other co-accused persons surrounded the informant near her house with ill-intention. On objection, all the accused persons including the petitioner took out pistol from their waist and fired upon her, due to which she sustained fire arm injury on her head.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to village politics. The



allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is specific allegation against co-accused Ram Bharosh that he fired upon the informant due to which she sustained grievous injury on her head. No injury was caused by this petitioner. There is money transaction related dispute between the parties. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, as there is no specific overt act against the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Bibhutipur P.S. Case No. 34 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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