

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47579 of 2023

Arising Out of PS. Case No.-93 Year-2023 Thana- PATEPUR District- Vaishali

1. Chhotu @ Ashutosh Kumar S/o- ANIL KUMAR @ ANIL RAI Village- Tejpurba Ps- Patepur Dist- Vaishali
2. Kundan Kumar son of Bhagwanlal Rai Village- Kishanpur telaur Ps- Goraul Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shivjee Singh, Advocate
For the Informant	:	Mr. Mritunjay Kumar, Advocate
For the State	:	Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 31-08-2023 Heard learned counsel for the petitioners, learned counsel appearing on behalf of the Informant and learned APP for the State.

2. Petitioners seek bail, who are in custody since 01.05.2023 and 06.05.2023 respectively, in connection with Patepur P.S. Case No. 93 of 2023, F.I.R. dated 27.04.2023 registered for the offences punishable under Sections 307, 387/34 of the Indian Penal Code and Sections 25(1-b)a, 27 of the Arms Act.

3. Allegation against the petitioners is that they along with others demanded money issued as loan in favour of informant's brother from informant. Further allegation against



the petitioners is that they along with other co-accused persons came at the shop of informant and started indiscriminate firing at the informant due to which the informant got injured.

4. Learned counsel for the petitioners submits that the petitioner namely Kundan Kumar has clean antecedent and petitioner namely Chhotu @ Ashutosh Kumar carries three more cases other than the present one in which in two cases the petitioner namely Chhotu @ Ashutosh Kumar is on bail. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. and from perusal of the F.I.R. it appears that all the accused persons have fired upon the informant and there is no specific allegation of any assault or overt act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners that they have all fired upon the informant. He further submits that the police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 01.05.2023 and 06.05.2023 respectively.

5. The learned counsel appearing on behalf of the Informant and learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for



bail of the petitioners and submits that there is direct and specific allegation against these petitioners that they have also fired upon the informant and the informant has received injuries in his leg.

6. Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Vaishali at Hiajipur in connection with Patepur P.S. Case No. 93 of 2023, subject to the following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at



any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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