

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52784 of 2023

Arising Out of PS. Case No.-21 Year-2021 Thana- NOWKOTHI GARHPURA District-
Begusarai

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CHINTU KUMAR @ ABINASH KUMAR Son of Bhola Prasad Mahto
Resident of Village - Ward No.- 16, Rani Sakarpura, Rani Shakarpura, P.S.-
Khagaria, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal, Advocate

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-08-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is in judicial custody in connection
with Naokothi P.S. Case No. 21 of 2021 registered under
Sections 302. 120B and 34 of the Indian Penal Code and
Section 27 of the Arms Act. lodged on 16.02.2021 by the
informant, Amresh Kumar @ Tuntun Poddar.

As per the prosecution story, the allegation is that
one Sanjiv Singh resorted to firing on his father (deceased)
followed by one Shwet Kumar and Alok Kumar also
resorted to indiscriminate firing. His father was taken to the
doctor where he succumbed to the injuries. Accordingly, the



FIR.

It is the case of the petitioner that the main allegation is against Sanjiv Singh and so far as indiscriminate firing is concerned, it has been made against Shwet Kumar and Alok Kumar. He concede that erroneously in the petition in paragraph-4, it was typed that the petitioner resorted to indiscriminate firing which he regrets. It is his further submission that similar situate co-accuseds namely, Nirmal Sah @ Nirmal Kumar Sah has since been extended the privilege of bail vide order dated 07.07.2023 passed in Cr, Misc. No. 38495 of 2023 as also Saurabh Kumar @ Saigal Pratap Singh @ Saurabh Kumar Singh and Pintu Kumar have also been extended the privilege of bail vide order dated 26.04.2023 & 28.07.2023 passed in Cr. Misc. No. 1613 of 2023 and Cr. Misc. NO. 45331 of 2023 by a co-ordinate Bench of this Court.

Let the same be kept on record.

Learned APP for the State opposes the prayer for bail.

Considering the facts on record that the main allegation is against co-accuseds, Sanjiv Singh as also



Shwet Kumar and Amit Kumar, no role has been assigned to the petitioner and similar situate co-accuseds have since been extended the privilege of bail as stated above, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Begusarai in connection with Naokothi P.S. Case No. 21 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/her *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/her 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 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.

(Rajiv Roy, J)

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