

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49648 of 2023

Arising Out of PS. Case No.-54 Year-2023 Thana- MUNGER MUFFASIL District- Munger

SUBODH KUMAR SUMAN S/O AWADH YADAV R/O VILLAGE-
NANDLALPUR, PS. MUFFASIL MUNGER, DIST. MUNGER

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jagannath Singh, Advocate Mr. Md. Ghulam Mustafa, Advocate Ms. Jyoti Joshi, Advocate
For the Opposite Party/s :		Mr. Ganesh Prasad Singh, APP
For the Informant	:	Mr. N.K. Agrawal, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-08-2023 Heard Mr. Jagannath Singh, learned Counsel for the

petitioner as also Mr. N.K. Agrawal, learned Senior Counsel for

the informant and the State.

The petitioner is an accused in connection with
Munger Muffasil P.S. Case No. 54 of 2023 registered for the
offences under sections 341, 323, 325, 307, 504, 506 and 34 of
the Indian Penal Code and section 27 of the Arms Act later
section 302 of the Indian Penal Code was added lodged on
03.02.2023 by the informant, Shashi Bhushan Prasad Yadav.

As per the prosecution story, due to dispute relating to
the land, at the instigation of the accused persons, Ritik opened
fire, killing his wife. The further allegation is that against the



petitioner is of assault on the informant. Accordingly, the FIR.

Learned Counsel for the petitioner submits that the specific allegation is against the petitioner's son, Ritik of having opened fire, killing the wife of the informant, Rina Devi from close range. So far as the present petitioner is concerned, allegation of assault by rifle is there.

Learned Senior Counsel for the informant, on the other hand, opposes the prayer for bail stating that at their instance, Ritik opened fire, killing his innocent wife. He submits that after instigating their son, the petitioner cannot claim that he is not the main assailant.

Taking into account the facts on record, specific allegation is against Ritik of having opened fire, killing the wife of the informant, so far as the petitioner is concerned, allegation of assault is there, he is an aged person, has remained in custody since 04.02.2023 (as stated in paragraph 17 of the bail application), this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger in connection with Munger



Muffasil P.S. Case No. 54 of 2023, 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 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;

(iv) 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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