

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52467 of 2023

Arising Out of PS. Case No.-727 Year-2021 Thana- CHAPRA MUFFASIL District- Saran

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SURAJ KUMAR @ PAKHANDU SON OF LATE SURENDRA RAI
RESIDENT OF VILLAGE - KARINGA KOTHI, P.S. - CHAPRA
MUFFASIL, DISTRICT - SARAN AT CHAPRA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Yogesh Kumar, Advocate

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Chapra Mufassil P.S. Case No. 727 of 2021 for the offence punishable under Section 341, 324, 325, 307/34 of the Indian Penal Code and section 27 of the Arms Act lodged on 27.12.2021 by the informant, Rahul Singh.

As per the prosecution story, the allegation is that when the informant was washing his motorcycle at service centre, the named accused persons including the petitioner came and opened fire causing injuries on his thigh and waist. They returned after treatment at Sadar Hospital, Chapra.

Learned counsel for the petitioner submits that though doctor has opined the injury to be grievous, the fact remains that



omnibus allegation is made against all the accused persons.

He further submits that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs. 10,000/- to the informant through Demand Draft of local SBI to be submitted before the trial Court.

Learned APP opposes the prayer.

Taking into account the fact that the petitioner is in custody since 22.5.2023 (para-13 of the petition), omnibus allegation is against him, charge-sheet submitted, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local SBI to be submitted to the trial Court and handed over to the informant side after checking credentials.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Chapra, in connection with Chapra Mufassil P.S. Case No. 727 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



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 appear before the concerned police station every fortnight for next six months to mark his 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 the 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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