

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56410 of 2023

Arising Out of PS. Case No.-165 Year-2023 Thana- RAHUI District- Nalanda

Gunjan Kumar Son Of Late Satish Chandra Verma Village- Jagdishpur PS
Distt- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-08-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Rahui (Bena) P.S. Case No. 165 of 2023 for the offences punishable under Sections 341/323/307/302/34 of the Indian Penal Code and Section 27 of the Arms Act lodged on 22.04.2023 by the informant, Sunaina Devi.

3. As per the prosecution story, there was dispute because of land and the grand-sons were always pressuring Ram Raksha Choudhary to part with the said land. On the fateful day allegation is that they came to the house, assaulted both the grand-father and grand-mother forcing them to execute the sale-deed and when he refused the allegation is that Monu Kumar and Vikash Kumar opened fire on the grand-



father (Ramraksha Choudhary). When the daughter Sunaina Devi rushed to caught hold of them allegation against this petitioner is of opening fire which however passed her head. Thereafter, they escaped on two motorcycles. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that allegation of firing and causing death of their grand-father is on Vikash Kumar and Monu Kumar. So far this petitioner is concerned he opened fire on Sunaina Devi which however did not hit her. Further submission is that he has been in custody since 19.05.2023 (para-9 of the petition).

5. Learned APP opposes the prayer stating that for a piece of land, they have killed their grand-father.

6. Though the act of the grand-sons which include the petitioner are deprecable, for a piece of land, they assaulted grand-father and grand-mother and further they took the extreme step of taking away the life of grand-father, the fact remains that the said allegation is on Monu and Vikash. So far this petitioner is concerned, allegation is of opening fire on Sunaina which did not hit her.

7. In that background and taking into account that the petitioner is in custody since 19.05.2023, this Court is



inclined to extend him the privilege of bail with conditions.

8. 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 Additional Chief Judicial Magistrate-I, Civil Court, Biharsharif, Nalanda, in connection with Rahui (Bena) P.S. Case No. 165 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 appear before the concerned police station every month 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.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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