

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53581 of 2023

Arising Out of PS. Case No.-109 Year-2022 Thana- MATIHANI District- Begusarai

DILKHUSH KUMAR @ CHIPPU @ DILKHUSH @ DILKHUSH KUMAR
@ CHIPPY Son of Srikant Kunwar Resident of village - Maniappa, Ward no.
06, P.S. - Matihani, Distt. - Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2023

Heard the parties.

2. The petitioner is an accused in connection with Matihani P.S. Case No. 109 of 2022 registered for the offences under sections 323, 341, 307, 504 and 34 of the Indian Penal Code and section 27 of the Arms Act lodged on 15.08.2022 by the informant, Mukesh Kumar.

3. As per the prosecution story, the allegation is that due to minor scuffle between the parties, one Prem Kumar @ Bango opened fire which hit the navel of the victim. Regarding other accused persons, allegation is of assaulting the nephew of the informant. Accordingly, the FIR.

4. It is the case of the petitioner that he is a young boy, has been implicated and in any case, specific allegation is on Prem Kumar @ Bango of opening fire causing injury in the



navel of the victim. There is omnibus allegation against other accused persons, he has remained in custody since 07.05.2023 (as stated in paragraph 13 of the bail application) and similar placed co-accused, Srikant Kunwar has since been granted bail in Cr. Misc. No. 74745 of 2022 by a co-ordinate bench (Annexure 3).

5. Learned APP for the State, on the other hand, opposes the prayer for bail.

6. Considering the submissions put forward by the learned Counsels, specific allegation is against Prem Kumar @ Bango of opening fire, he is a young boy, is in custody since 07.05.2023 and similar situate co-accused, Srikant Kunwar has been granted bail, as stated above, this Court is inclined to extend him privilege of bail.

7. 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 J.M. 1st Class, Begusarai in connection with Matihani P.S. Case No. 109 of 2022, 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 one year 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.

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

(Rajiv Roy, J)

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