

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56462 of 2022

Arising Out of PS. Case No.-14 Year-2022 Thana- BARURAJ District- Muzaffarpur

Chunnu Kumar, Son of Pravesh Paswan, Resident of Village and Post-
Hussainpur, P.S.- Vaishali, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Kumar Giri, Advocate

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 16-01-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Baruraj
P.S. Case No.14 of 2022 (G.R. No.201 of 2022) registered for
the offence punishable under Sections 397, 398, 400, 414, 353,
307, 120B and 34 of the Indian Penal Code and Sections 25(1-
b)a/26, 27, 35 of the Arms Act.

On information that some criminals have assembled
to commit dacoity, the police team reached the place of
occurrence and on seeing the police party, they started fleeing
away and resorted to indiscriminate firing upon them. The
police also retaliated and eight criminals, including the
petitioner, have been apprehended and on search, arms and
ammunition and 10 empty cartridges, one *Bolero* and one



Glamour motorcycle have been recovered.

It is submitted by the learned counsel for the petitioner that the petitioner is innocent and has falsely been implicated. Learned counsel further submitted that it is highly improbable that in the cross-fire, the injury has been sustained only from the side of four accused persons, but not a single firearm injury has been sustained by any police personnel. In fact, the petitioner, a passer-by, has sustained fire-arm injury in the cross-fire and on suspicion, he has been implicated. Other similarly situated co-accused, namely, Vikas Kumar, Manjay Kumar and Niraj Kumar, have been allowed bail in Cr.Misc. No.33385 of 2022, Cr.Misc. No.33352 of 2022 and Cr.Misc. No.35193 of 2022 respectively. Having clean antecedents, petitioner is languishing in jail since 22.02.2022.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, claimed based on parity and his clean antecedents, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Accordingly, let the petitioner, above named, be



released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned court of J.M., 1st Class, Muzaffarpur, in connection with Baruraj P.S. Case No.14 of 2022, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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