

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55407 of 2022

Arising Out of PS. Case No.-129 Year-2021 Thana- BARARI District- Katihar

Suraj Yadav @ Suraj Kumar Son of Gujo Yadav @ Bujo Yadav R/v- Leela,
P.S- Falka (Pothia), Dist- Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks' from today.

Heard Mr. Bimal Kumar, learned counsel appearing on behalf of the petitioner and Mr. Ram Sumiran Rai, learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in connection with Barari P.S. Case No.129 of 2021 registered for the offences punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, it has been alleged that 7-8 FIR named accused persons including the petitioner arrived at the house of the informant where her father-in-law was sleeping and fired upon her father-in-law, on account of which, he sustained bullet injuries over his chest and nose,



which proved fatal.

Learned counsel for the petitioner submits that from the FIR, it is evident that the informant is not an eyewitness to the alleged occurrence nor the petitioner is said to be the assailant, rather a general and omnibus allegation levelled against all the FIR named accused persons including the petitioner. He further submits that other co-accused persons having identical allegation, have been allowed the privilege of bail by different Benches of this Court vide different orders, the hard copies of which have been brought on record by way of Annexure-2 series. He also placed hard copies of some of the order(s) by which other co-accused persons have also been granted bail by the learned Co-ordinate Benches of this Court, the same has been taken on record. He lastly submits that the petitioner is a man of fair antecedent and is in custody since 16.08.2022.

On the other hand, learned counsel for the State opposed the bail application, however, he does not controvert the fact that other co-accused persons have been allowed the privilege of bail.

Regard being had to the submissions made on behalf of the parties and considering the general and omnibus



nature of allegation, apart from the fact that other co-accused persons are enjoining the privilege of bail coupled with the fair antecedent of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. III, Katihar in connection with Barari P.S. Case No.129 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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