

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70994 of 2023

Arising Out of PS. Case No.-253 Year-2022 Thana- MURLIGANJ District- Madhepura

Suman Kumar S/O Sanjeev Yadav R/O Vill- Pramanandpur, Ward No 11, Ps-
Murliganj, Dist-Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Murliganj P.S. Case No.253 of 2022, lodged on 30.05.2022, under Section under Sections 147/341/307/302/120B/504/506 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the FIR has been lodged against 14 named accused persons including the present petitioner.

4. Learned counsel for the petitioner submits that the FIR has been lodged against 14 named accused persons



including the present petitioner and there is general and omnibus allegation against all the accused persons. No specific allegation has been made against the present petitioner. Counsel further submits that the informant side and petitioner side are resident of same village. For the petty dispute the dispute has arisen between the parties and for the same date and place of occurrence, Murliganj P.S. Case No. 253 of 2022 has been filed by the informant side whereas Murliganj P.S. Case No. 254 of 2022 has been filed by the petitioner side. From both sides death has caused. Counsel further submits that one co-accused has been granted bail by a co-ordinate Bench of this Court vide order dated 21.07.2023 passed in Cr. Misc. No.40494 of 2023. Counsel also submits that antecedent of the petitioner is clean and he is in custody since 28.03.2023.

5. Learned counsel for the State and counsel for the informant vehemently opposes the prayer for bail and submits that there is allegation in the FIR about the injury caused by different persons which resulted into death of the deceased from the informant party, but upon the specific query whether for the same date and place of occurrence, there is case and counter case and it is true that from both sides death has been



caused.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Madhepura, in connection with Murliganj P.S. Case No. 253 of 2022, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for 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 evidence, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds; and

(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.

(Dr. Anshuman, J)

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