

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.66731 of 2022**

Arising Out of PS. Case No.-301 Year-2022 Thana- BEGUSARAI MUFFASIL District-  
Begusarai

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SURAJ KUMAR Son of Dilip Singh R/v- Machacha, P.S.- Muffasil, District-  
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Chandan Kumar Kashyap, Advocate  
For the Opposite Party/s : Mr. Anil Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA  
ORAL ORDER**

2      21-03-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the  
offences punishable under Sections 307/34 of the Indian Penal  
Code and Section 27 of the Arms Act.

Prosecution case, in brief, is that the fardbeyan of  
informant Rajnish Kumar was recorded at Kalpana Hospital at  
about 12:32 hours in which it is stated on 09.06.2022 at about  
19:30 hours when he was working at flour mill and at that time  
(1) Rajeev Kumar @ Munna, (2) Gulshan Kumar and (3)  
Ramraghvendra Dev along with 4-5 unknown persons came and  
all of a sudden started firing then the informant was escaping  
then Gulshan Kumar fired on him which cause firearm injury on



his buttock in the right side and left thigh, on hue and cry many villagers assembled then all fled away showing pistol, he was brought to Kalpana Nursing home where he is getting treatment. The reason behind the occurrence has been stated to be the land dispute coming from last four years and due to that the occurrence has been committed. The aforesaid allegation resulted into registration of formal F.I.R. vide Muffasil P.S. (Singhaul O.P.) Case No. 301 of 20222 dated 10.06.2022 against three named accused and 4-5 accused persons.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation against the petitioner as alleged in the F.I.R. is general and omnibus in nature and there is specific allegation of acquisition of firing is against the co-accused, namely, Gulshan Kumar and that the petitioner is only a member of the unlawful assembly. He further submits that the similarly situated co-accused, namely, Rajeev Kunwar @ Munna @ Rajeev Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 21.02.2023 passed in Cr. Misc. No.63232 of 2022 and another co-accused, namely, Ram Raghvendra Deo has been granted bail vide order dated 28.02.2023 passed in Cr. Misc. No.69504 of 2022



respectively and the case of the petitioner is on similar footing. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 02.08.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries six criminal antecedents other than the present one but fairly submits that petitioner is on bail in Teghra P.S. Case No. 385 of 2020 and the petitioner is acquitted in Muffasil P.S. Case No. 530 of 2019.

Considering the aforesaid facts and circumstances, 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 below where the case is pending in connection with Muffasil P.S. (Singhaul O.P.) Case No. 301 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail



bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

Saurabhkrsinha/  
Alok/-

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