

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69603 of 2023

Arising Out of PS. Case No.-303 Year-2020 Thana- KALYANPUR District- Samastipur

Sandeep Kumar, S/O Kapildev Ray @ Khudbud Ray, Village- Muktapur
Ward No. 4, Ps. Kalyanpur, Dist. Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Kalyanpur P.S. Case No.303/2020, lodged on 08.12.2020 under
Sections 307, 34, 504, 506 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against two named accused persons with an allegation of
firing.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. In the
accused column name of the son and father is there who
attended the marriage ceremony and the allegation levelled in
the fardbeyan is incorrect. In fact, the injury was caused on the



thigh of the informant due to *harsh* firing. He further submits that the petitioner is in custody since 17.07.2023 and is accused in one more criminal case, but in that case, he is on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that there is a specific allegation against the petitioner of causing gunshot injury to the informant.

6. Upon specific query from the counsel for the petitioner whether the charge has been framed or not, the learned counsel for the petitioner submits that he is not aware of the fact whether the charge has been framed or not.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be released on bail, **but only after framing of charge**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Samastipur, in connection with Kalyanpur P.S. Case No.303/2020, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as 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 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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