

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74863 of 2023

Arising Out of PS. Case No.-143 Year-2023 Thana- SANDESH District- Bhojpur

Bengwa @Balwant Kumar, S/O Arjun Yadav @ Arun Kumar Singh Village-
Rampur- Pratappur, Ps. Chandi, Dist. Bhojpur At Ara

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Krishna, Adv.

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Sandesh P.S. Case No. 143 of 2023, lodged on 03.06.2023 under Sections 302/34 of the Indian Penal Code read with section 27 of the Arms Act.

3. As per the prosecution case, the FIR has been lodged against 7 named accused persons including the present petitioner. The allegation is that they all reached in the *barat* of the informant and started firing on the dancing stage due to which one person died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that upon going through the FIR, specific allegation of firing is not against the present petitioner rather it



is against one accused person namely Dablu Kumar @ Bablu Kumar who fired his pistol on the chest of Dinesh Kumar and against the petitioner only allegation of order giving is there.

5. Learned counsel for the petitioner submits that the petitioner is in custody since 04.06.2023. Counsel further submits that one accused person namely Munni Kumar @ Munchun Kumar has been granted bail by the co-ordinate bench of this Court vide order dated 07.11.2023 passed in Cr. Misc. No.71873 of 2023.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that it is a case of *harsh* firing.

7. Upon specific query of the Court from the counsel for the petitioner that whether charge has been framed in this case or not, counsel submits that as per his knowledge, charge has not been framed in this case.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted 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 C.J.M., Bhojpur at Ara in connection with Sandesh P.S. Case No. 143 of 2023, 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.)

Divyansh/-

U		T	
---	--	---	--

