

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71648 of 2022

Arising Out of PS. Case No.-27 Year-2022 Thana- BARAUNI District- Begusarai

MONU KUMAR, male, aged about 20 years, Son of Sri Subodh Choudhari
@ Subodh Sharma R/V- Baro, Tola- Bishanpur, Ward No. 12 (Wrongly
mentioned in the F.I.R. as Gachhi Tola) P.S- Phulwaria, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Murari Prasad Sinha, Advocate

For the Opposite Party/s : Mr.Amitesh Kumar, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

2 02-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Barauni/Garhara P.S. Case No. 27 of 2022 dated 10.01.2022
registered for the offence(s) punishable under Section(s) 323,
341, 504, 506, 307 and 34 of the Indian Penal Code and Section
27 of the Arms Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that as per FIR, the informant
sustained firearm injury at non-vital part of his body and the
petitioner has fair and clean antecedent and the FIR goes to
show that the alleged occurrence was not pre-planned and same
occurred in the spur of moment and the petitioner has been
languishing in jail for about eight months and against him, the
investigation has been completed.



4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions and mainly the petitioner's custody period, his young age, the completion of investigation against him and also the facts that he has fair and clean antecedent and as per the FIR, a quarrel in between the children is stated to be the genesis of the occurrence and other co-accused persons instigated the petitioner to commit the alleged occurrence of firing and there is no allegation of repeated firing by this petitioner at the informant and only one firearm injury at non-vital part of the body of the informant has been found, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the **petitioner be released on bail after framing of charge, if the same has not been framed** in connection with Barauni/Garhara P.S. Case No. 27 of 2022 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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