

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75111 of 2022

Arising Out of PS. Case No.-350 Year-2021 Thana- ATRI District- Gaya

Shashi Bhushan Kumar @ Bhushan Kumar Son of Shrawan Singh @
Shrawan Kumar Singh @ Shrawan Kumar Resident of village - Bhatu Bigha,
P.S.- Atri, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Gajendra Kumar, Advocate Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Anand Kishore Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2023 Heard Mr. N.K. Agrawal, learned senior counsel for

the petitioner, assisted by Mr. Gajendra Kumar, Advocate and

Mr. Anand Kishore Choudhary, learned Additional Public

Prosecutor for the State.

Petitioner seeks bail, who is in custody since
14.03.2022 in connection with Atri P.S. Case No. 350 of 2021,
F.I.R. dated 24.10.2021 for the offences punishable under
Sections 341, 323, 324, 325, 307, 504, 506/34 of the Indian
Penal Code and Section 27 of the Arms Act.

According to prosecution case, in brief, is that as per
written report of the informant namely, Nitish Kumar it is
alleged that on 24.10.2021 at about 08:30 A.M. all the F.I.R.



named accused persons including the petitioner on pretext of previous land dispute started assaulting to the father of informant Uday Singh. It is further alleged that on Chandra Bhushan Kumar @ Rahul Kumar assaulted with spade due to on right shoulder resulting in a cut and Chandra Bhushan Kumar and Sarwan Kumar knocked him down and Rahul Kumar tried to kill him. Sarwan Kumar assaulted the informant with an iron rod and fracture his wrist shoulder. As per the informant Rahul Kumar and Bhusan Kumar brought a pistol and opened fired on informant's house.

Learned senior counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case due to admitted land dispute. He further submits that on bare perusal of the F.I.R. it transpired that there is general and omnibus allegation against all the accused persons including the petitioner and there is specific allegation against the petitioner is that he has assaulted upon the right shoulder of informant by means of spade but the injury report of the informant suggest that the injury is simple in nature caused by hard and blunt substance. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since



14.03.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedents other than the present one, in which he is on bail in three cases out of four cases as stated in para-3 of the bail petition.

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 Additional Chief Judicial Magistrate-XIII, Gaya in connection with Atri P.S. Case No. 350 of 2021, 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)

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