

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74745 of 2022

Arising Out of PS. Case No.-109 Year-2022 Thana- MATIHANI District- Begusarai

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SRIKANT KUNWAR S/o Ramji Kunwar R/v- Maniyappa, Ward No. 06,
P.S.- Matihani, District- Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
16.08.2022 in connection with Matihani P.S. Case No. 109 of
2022, F.I.R. dated 15.08.2022 registered for the offence
punishable under Sections 323, 341, 307, 504/34 of the Indian
Penal Code and Section 27 of Arms Act.

As per prosecution case, while the informant's
nephew was going to watering the plants under Scheme of
MANREGA, in the meantime, the accused persons including
the petitioner surrounded him and assaulted him by means of
rod. Co-accused Prem Kumar @Nago fired upon the
informant's nephew namely, Gulshan Kumar due to which he
sustained injury.



Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that it appears from the FIR that the allegation against the petitioner is that he surrounded the nephew of the informant and started to assault the informant and his nephew, namely, Gulshan Kumar by means of iron rod and one of his aides, co-accused, Prem Kumar @ Nango, fired upon the victim, namely, Gulshan Kumar and the injury report of injured Gulshan Kumar suggests that the injury is grievous in nature caused by firearm. Learned counsel for the petitioner further submits that it appears from the injury report of the victim that there is no specific allegation of any use of firearm against the petitioner whereas, the specific allegation of firing upon the victim is against co-accused person. Further submits that the co-accused person, namely, Saurave Kumar @ Bilo has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 27.03.2023 passed in Cr. Misc. No. 750 of 2023 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 16.08.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries



three more cases other than the present one, but fairly submits that the petitioner is on bail in all the cases, as mentioned in para-3 of the bail petition.

Considering the aforesaid fact, 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 learned Judicial Magistrate 1st Class, Begusarai in connection with Matihani P.S. Case No. 109 of 2022, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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