

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 787 of 2023

Arising Out of PS. Case No.-313 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

Saurav Kumar, Son of Pramod Singh R/v- Ratanpur, Ward No. 20, P.S.- Town
(Ratanpur O.P.), District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Bhushan Poddar, Adv.
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-04-2023 Learned counsel for the petitioner is permitted to remove the defect(s), if any, as pointed out by the office, within a period of four weeks from today.

Heard Mr. Braj Bhushan Poddar, learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner seeks bail, who is in custody, in connection with Begusarai Town (Ratanpur O.P.) P.S. Case No. 313 of 2022, registered for the offences punishable under Sections 341, 387, 307, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

It is alleged that on 26.05.2022, the petitioner and one co-accused arrived with arms and demanded extortion of Rupees Four Lakhs, however, when the same was not paid, on 27.05.2022, while the informant was sitting at his door with his



brother, in the meantime, all the FIR named accused persons along with 3-4 unknown persons came there and started indiscriminate firing of 10-12 rounds with the intention to kill the informant but the same could not hit the informant.

Learned counsel appearing on behalf of the petitioner submits that from the FIR it is evident that none of the persons has received any injury, however, so far the allegation of firing is concerned, there is no specific allegation of firing against the petitioner rather a general and omnibus allegation has been levelled against all. He next submits that the other co-accused persons having similar allegation have been allowed anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. No. 48180 of 2022 *vide* order dated 15.12.2022, copy of which is annexed as Annexure-2 to the application. Learned counsel submits that the informant is the next door neighbour and on account of some dispute there is litigating term between both of them. He further submits that so far the antecedent of the petitioner is concerned, this is result of the village politics, however, he is on bail in all the four cases, as has been mentioned in paragraph no. 3.

On the other hand, learned APP for the State opposed the bail application and submits that the allegation of firing has



been corroborated with the seizure list as during the course of investigation, empty cartridges were recovered from the place of occurrence.

Regard being had to the submissions made on behalf of the parties and considering the general and omnibus nature of allegation of firing resulting into no injury to anyone, apart from the fact that the other co-accused persons having similar allegation have been allowed bail and the petitioner is in custody since 06.10.2022, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Begusarai Town (Ratanpur O.P.) P.S. Case No. 313 of 2022, with a direction that the petitioner shall ensure his attendance on first week of every month from release of his custody till six months before the local police station.

The petitioner shall be released on bail subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.



(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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