

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13241 of 2024

Arising Out of PS. Case No.-538 Year-2022 Thana- KATIHAR NAGAR District- Katihar

Bunty Jaiswal @ Sunny Kumar Jaiswal @ Sunny Jaiswal S/o Kishor Kumar Jaiswal @ Kishor Jaiswal R/o Near Manokamna Mandir, Lal Kothi Road, P.S. and Distt. - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhauri Kamal Kishore Sahay

For the Opposite Party/s : Mr.Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 01-03-2024 Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail in connection with Katihar (T) P.S. Case No.538 of 2022 registered for the offence under Sections 147, 148, 149, 307, 302, 326, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegation against this petitioner is to have brutally assaulted the informant and one Pappu Singh and it is further alleged that petitioner with intention to kill Pappu Singh and informant fired upon them due to which they fell down.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner has falsely been implicated in the present case, where, petitioner is not named in



the FIR. It is submitted that nothing incriminating articles recovered from possession of this petitioner, during course of investigation, which may connect this petitioner with the present set of occurred. It is submitted that similarly situated co-accused persons have already been granted bail by different learned co-ordinate Benches of this Court through Cr. Misc. No. 29682 of 2023 on 12.06.2023, Cr. Misc. No.76546 of 2023 on 01.12.2023 and Cr. Misc. No.23513 of 2023. It is further submitted that petitioner is in custody since 12.01.2024.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances and submissions made on behalf of the petitioner, let the petitioner, above named, is directed to be released on bail in connection with Katihar (T) P.S. Case No.538 of 2022 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, Katihar, subject to following conditions:

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Ramesh Chand Malviya, J)

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