

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19721 of 2024

Arising Out of PS. Case No.-122 Year-2022 Thana- AGAMKUAN District- Patna

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Jeevan @ Baiju @ Saurya Kumar @ Surya Kumar Son of Arun Mahto R/o
Chhoti Pahari, Pipal Tal, Kumhartoli, Police Station- Agam Kuna, Dist.-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Pathak, Advocate
For the Opposite Party/s	:	Mr. Shyam Kumar Singh, APP
For the Informant	:	Mr. Gagan Deo Yadav, Advocate
		Mr. Vinod Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 26-04-2024 Heard the parties.

2. The petitioner is in custody in connection with Str.
No. 798 of 2023 arising out of Agam Kuan P.S. Case No. 122 of
2022 for the offence under Sections 302, 120(B) and 34 of the
I.P.C. and Section 27 of the Arms Act lodged on 17.02.2022 by
the informant, Vikash Kumar.

3. As per the prosecution story, due to land dispute,
allegation against the accused persons including this petitioner
is of opening fire which ultimately led to the death of one
Rahul, brother of the informant. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that a
perusal of the FIR would show that omnibus allegation of



opening fire is against the accused persons including the petitioner, Raja as also Bhola. He further submits that two of them Raja and Bhola have been granted bail by a coordinate Bench in Cr. Misc. No. 81881 of 2023 and Cr. Misc. No. 75102 of 2023, he is in custody since 15.03.2023 (paragraph-14 of the petition) and do not have any criminal antecedent.

5. Learned counsel appearing on behalf of the informant on the other hand opposes the prayer stating that bullet injury has been found to be on the person of the deceased.

6. Though allegation of firing is against this petitioner, the same has been attributed to Bhola and Raja, as incorporated above, they have been extended the privilege of bail, is in custody since 15.03.2023 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned 1st Additional District & Sessions Judge, Patna City, in connection with Str. No. 798 of 2023 arising out of Agam Kuan P.S. Case No. 122 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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