

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28364 of 2024

Arising Out of PS. Case No.-348 Year-2023 Thana- BHAGWANPUR District- Begusarai

Sudhanshu Kumar @ Sudhanshu Chaurasia, aged about 22 years, son of
Dinesh Chaurasia, resident of village- Akaha, PS- Bhagwanpur District-
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Bhagwanpur PS Case No.348 of 2023 dated 16.12.2023,
instituted under Sections 341, 323, 504, 506, 307, 379/34 of the
Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that accused
Shivam Kumar came at the door of the informant armed with
pistol and told him to leave the house and started abusing him.
When the informant objected, Shivam Kumar caught his collar
and started firing due to which one bullet hit on his right thigh
while another bullet passed touching his head causing injury on
his head. It is further alleged that accused Kumar Vivek directed



the accused Shivam Kumar on his phone to kill the informant and his entire family. Thereafter, all the accused named in the FIR along with some unknown persons armed with firearms came there and started abusing and firing some villagers sustained gun shot injury.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Further submission is that there is specific allegation against Shivam Kumar, who fired at the informant. There is nothing specific against the petitioner, rather, allegation against the petitioner is general and omnibus. The injured persons have not disclosed the name of the petitioner. Lastly, it is submitted that four criminal cases are pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Begusarai, in Bhagwanpur PS Case No.348 of 2023, subject to the conditions laid down in



Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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