

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25990 of 2024

Arising Out of PS. Case No.-132 Year-2023 Thana- PUSA District- Samastipur

PARMA NAND KUMAR S/O LATE LAXMAN MAHTO R/O VILL-
HARPUR PUSA (TOLA NARAYANPUR) PS-PUSA, DISTRICT-
SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy, Adv.

For the Opposite Party/s : Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 18-10-2024 Heard Mr. Dilip Kumar Roy, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner apprehends arrest in connection with
Pusa P.S. Case No. 132 of 2023 registered under Sections 307
and 120(B)/34 of the Indian Penal Code and Section 27 of the
Arms Act lodged on 24.11.2023 by the informant, Ram Naresh
Mahto.

3. As per the prosecution story, the informant alleged
that his son returned and informed that the accused persons
firstly demanded money and upon protest, allegation is that one
Rahul Kumar along with Ramanand Kumar and the petitioner
caught him whereafter Chunnu Kumar and Siddarth Kumar
opened fire which caused injury on his hand and abdomen.



Accordingly, the FIR.

4. In this case, the case diary and the injury report were called for *vide* order dated 20.07.2024 and same are now available on record.

5. Learned counsel for the petitioner has pointed out that though the FIR was lodged by the injured, Sudesh Kumar's father, namely, Ram Naresh Mahto, the injured subsequently gave his statement in which he has made allegation against Sumant @ Chunnu and Sidharth of having opened fire, four of which hit him as he was running away. He submits that this statement of the injured is contrary to the allegation made by the father that while other accused persons caught hold of the injured which includes the petitioner, Sidharth and Suman opened fire.

6. Learned counsel for the informant and learned APP opposed the prayer submitting that the FIR lodged clearly shows that he was one of the persons besides Rahul who caught hold of injured. The further submission of learned counsel for the informant is that the co-accused, Rahul Kumar has been denied anticipatory bail in Cr. Misc. No. 16318 of 2024.

7. Though it is the fact that on the ground of allegation as also that Rahul Kumar was having criminal



antecedent, his anticipatory bail was denied, in the present case, the statement of the injured speaks otherwise and taking into account the fact that the petitioner has got no criminal antecedent and it has been undertaken by the learned counsel for the petitioner that he will be diligently appearing in the trial, this Court is inclined to extend him the privilege of anticipatory bail.

8. Let the petitioner, above named, be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Samastipur/the court concerned in connection with aforesaid PS Case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as well as the following conditions:-

(i) one of the bailors should be the family member/relative 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)

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