

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28600 of 2024

Arising Out of PS. Case No.-366 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Saurav Kumar @ Golu Kumar S/o- Late Mukesh Singh Resident of Village -
Kaithma, P.S- Mufassil, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sarvottam Kumar, Advocate
For the State	:	Mr. Navin Kumar Pandey, APP
For the Informant	:	Ms. Suruchi Anand, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-05-2024 Heard Mr. Sarvottam Kumar, learned counsel for the

petitioner and Ms. Suruchi Anand, learned counsel for the

informant as well as Mr. Navin Kumar Pandey, learned A.P.P.

for the State.

2. The petitioner seeks bail in connection with

Mufassil P.S. Case No. 366 of 2022 registered for the offence

under Sections 341, 323 and 302/34 of the Indian Penal Code

and Section 27 of the Arms Act.

3. According to prosecution case, petitioner along

with other is said to have fired upon the son of the informant

due to which he died.

4. Learned counsel appearing for the petitioner

submits that the petitioner is innocent and has falsely been



implicated in this case. He further submits that from a bare perusal of the FIR it transpires that altogether five persons have fired upon the deceased but the post-mortem report of the son of the informant suggests that only entry wound injuries were found on the deceased but from a bare perusal of the post-mortem report it is not clear that who has fired upon the deceased and whose bullet has touched upon the body of the son of the informant and informant is not the eye witness of the alleged occurrence. He further submits that co-accused persons, namely, Anmol Kumar has already been granted bail by this Court vide order dated 17.07.2023 passed in Cr. Misc. No. 70064 of 2022, co-accused person, namely, Ram Jyoti Paswan @ Ramesh Paswan has already been granted bail by this Court vide order dated 11.07.2023 passed in Cr. Misc. No. 763 of 2023 and Kanhaiya Kumar has also been granted bail vide order dated 04.07.2023 passed in Cr. Misc. No. 12458 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 18.11.2023.

5. Learned counsel for the informant as well as learned A.P.P. for the State opposed the prayer for bail of the petitioner and submits that there is specific allegation against



the petitioner that he along with other co-accused persons has fired upon the deceased apart from that the petitioner carries two criminal cases other than the present one.

6. Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge, XI, Begusarai in connection with Mufassil P.S. Case No. 366 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that 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 step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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