

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29576 of 2024

Arising Out of PS. Case No.-379 Year-2023 Thana- SAHEBGANJ District- Muzaffarpur

Suraj Kumar @ Suraj Kumar Yadav Son Of Kailash Rai Resident Of Village -
Malahi Tola, P.S. - Keshariya, District - East Champaran At Motihari

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Adv.

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-05-2024 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. appearing for the State.

2. In this present case, the petitioner is apprehending his arrest in connection with Sahebganj P.S. Case No. 379 of 2023, registered on 01.09.2023 for the offences under Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code read with Section 27 of the Arms Act.

3. As per prosecution case, four persons riding two bikes accosted the vehicle of the informant and co-accused Indal Sahani took out a pistol and fired which hit the right hand of the informant. The allegation against the petitioner is that he instigated the co-accused for shooting in the head of the informant. On seeing a four wheeler coming, the accused persons fled away from the spot.

4. Learned counsel for the petitioner submits that the petitioner is quite innocent and have falsely been implicated in this case. The F.I.R. has been registered after delay of 7 days for which there is no explanation. The petitioner is resident of a nearby village of the informant and due to village politics, he has falsely been implicated in this case. Moreover, there is no overt act alleged against the petitioner and only allegation is that he asked the co-accused to open fire on the head of the informant. The petitioner is having criminal antecedent of one case in which he is on bail.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the delay in lodging the F.I.R. and possibility of false accusation, let the petitioner, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Muzaffarpur (West)/concerned court in connection with Sahebganj P.S. Case No. 379 of 2023, subject to the

conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

sadique/-

U		T	
---	--	---	--