

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27420 of 2023

Arising Out of PS. Case No.-1510 Year-2022 Thana- PHULWARISHARIF District- Patna

BITTU KUMAR son of Anil KUMar @ Anil Prasad Gupta Village- Takiapar
Ps- Danapur Dist- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar, Advocate
For the Opposite Party/s	:	Mr. Bharat Bhushan, Advocate
For the Informant	:	Mr. Sujeet Kumar

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 20-09-2024 Heard Mr. Arvind Kumar learned counsel for the petitioner, Mr. Sujeet Kumar representing the informant as also Mr. Bharat Bhushan learned APP.

2. The petitioner is in judicial custody in connection with Phulwarisharif (Janipur) P.S. Case No. 1510 of 2022 for the offences punishable under Sections 302, 326, and 34 of the Indian Penal Code and Section 27 of the Arms Act lodged on 09.12.2022 by the informant, Lav Kush Gupta.

3. As per the prosecution story, the informant alleged that he alongwith his brother were going to attend the marriage ceremony, his maternal brother-in-law, Bittu Kumar (petitioner) requested them not to attend. As they tried to leave, allegation is that Abhishek Kumar opened fire causing injuries to both of them and subsequently, his brother succumbed to those injuries.



Accordingly the F.I.R.

4. Learned counsel for the petitioner submits that on perusal of the F.I.R. would show that he being the bridegroom, requested the informant as also his brother to leave the place sensing danger to them. However, the allegation is that Abhishek Kumar @ Chotu (wrongly inscribed as Bittu) opened fire causing injuries to which informant's brother succumbed later on.

5. Learned counsel for the informant submits that an order for processes under Section 82 Cr.P.C. has also been made on 09.04.2023.

6. Learned counsel for the petitioner submits that in the present case, a Co-ordinate Bench on 07.7.2023 while calling for the case diary has passed an order that no further coercive action against the petitioner.

7. Admitted fact is that the allegation is mainly against Abhishek Kumar @ Chotu of opening fire, no overt act has been attributed to this petitioner, a Co-ordinate Bench granted interim protection to him on 07.07.2023. In the said background this Court is inclined to extend him the privilege of bail.

8. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-14, Patna in connection with Phulwarisharif



(Janipur) P.S. Case No. 1510 of 2022 subject to the following conditions:

(i) One of the bailor should be the family member of the petitioner who shall provide official document to show his 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 witness or tamper 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)

Ankit Kumar/-

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

