

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34959 of 2024

Arising Out of PS. Case No.-208 Year-2023 Thana- JAMALPUR District- Munger

Suraj Kumar Tanti SON OF LATE JAIDEO TANTI @ LATE JAGDEV PRASAD Resident of village- Chhoti Daulatpur, P.S. Jamalpur, DISTRICT Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Sah, Advocate
Mr. Sunil Kr. Pathak, Advocate
For the Opposite Party/s : Mr. Jitendra Kr. Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 05-07-2024 Heard the parties.

2. The petitioner is in custody in connection with Jamalpur P.S. Case No. 208 of 2023 for the offence punishable under Sections 307/34 of the Indian Penal Code, Section 27 of the Arms Act and later added Sections 25(1-B)a, 26(i)(ii)/35 of the Arms Act lodged on 26.10.2023 by the informant, Suman Kumari.

3. As per the prosecution story, the informant alleged that while he was sitting outside her house, the accused persons came, armed variously and thereafter when her cousin, Akash Kumar came out, Suraj Kumar Tanti opened fire. Upon hearing the sound of fire, the father came out, the bullets hit him, causing injuries. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that though allegation of opening fire is against the petitioner, admittedly, it hit the hand and he has taken this Court to the order of the learned Session Judge to show that in the case diary, the injury report was not available. He further submits that cognizance has already been taken in the matter, he is in custody since 27.10.2023 (paragraph-10 of the petition), do not have criminal antecedent and will diligently appear in trial. The last submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner on its own would like to contribute towards the medical assistance of Rs. 5,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

5. Learned APP opposes the prayer submitting that he opened fire hitting the hand of the informant.

6. Considering the aforesaid submissions as also the fact that though there is allegation, as per the learned Session Judge, the injury report was not available, he do not have any criminal antecedent, is in custody since 27.10.2023, cognizance



has already been taken and as per his undertaking, he will be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 5,000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger, in connection with Jamalpur P.S. Case No. 208 of 2023 subject to the following conditions:

(i) one of the bailor 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 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)

Adnan/-

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