

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33613 of 2024

Arising Out of PS. Case No.-739 Year-2023 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. Nitish Kumar @ Nitish Ram Son Of Tuntun Ram Village- Kothiya, Ward No. 10, Dhobauli, Ps- Muffasil, (LAKHO Op) Dist- Begusarai
 2. Gautam Ram @ Gautam Kumar Ram @ Gautam Kumar Son Of Tuntun Ram Village- Kothiya, Ward No. 10, Dhobauli, Ps- Muffasil, (LAKHO Op) Dist- Begusarai

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Sandip Kumar Gautam, Advocate
For the Opposite Party : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 08-08-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Muffasil P.S. Case No. 739 of 2023 dated 22.12.2023 registered for the offence punishable u/s 307 read with 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, on 20.12.2023 at about 10:30 P.M., the son of the informant was sitting at his house, in the meantime, the petitioners came and the petitioner no. 1 fired on the son of the informant from the back side. Further, it is



alleged that the co-accused Tuntun Ram who is father of the petitioners have provided country-made pistol and cartridge to them for killing.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The other co-accused person has already been granted bail by this court *vide* order dated 24.06.2024 passed in Cr. Misc. No. 42090/2024. As per the FIR, the informant has stated that the petitioner no. 1 has fired from the back on the informant's son so it is crystal clear that there is no allegation of firing against the petitioner no. 2. Learned counsel has submitted that as per the medical report, the doctor has not mentioned the entry and exit of the wound. The petitioners have clean antecedent as stated in para 3 of the bail petition. The petitioners are in custody since 22.12.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners. As per para. 29 of the case diary, the injury is grievous in nature.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners above-named, are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with



two sureties of the like amount each to the satisfaction of learned Court concerned, Begusarai, in connection with Muffasil P.S. Case No. 739 of 2023, with the condition:-

(i). The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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