

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45871 of 2024

Arising Out of PS. Case No.-627 Year-2021 Thana- HARNAUT District- Nalanda

Sunil Kumar S/o Ajablal Yadav Resident Of Village Kharuara, P.S. - Harnaut
(Chero O.P.), Distt. - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 18-09-2024

Heard the parties.

2. The petitioner is in custody in connection with Harnaut (Chero) P.S. Case No. 627 of 2021 for the offence punishable under sections 147, 148, 149, 341, 342 and 307 of the Indian Penal Code and 27 of the Arms Act lodged on 31.12.2021 by the informant, Nitish Kumar.

3. As per the prosecution story, the informant alleged that while returning home, one Sanjay Yadav opened fire but as it could not work, the informant started fighting with him. In the meantime, this petitioner opened fire which hit his back whereafter he screamed and rushed towards home. This followed the FIR.

4. Learned counsel for the petitioner submits that the statement made by the victim does not match with the injury



report according to which a simple injury has been found due to hard blunt substance.

5. In this case, Coordinate Bench has called for the case diary and Mr. Jitendra Kumar Singh, learned APP has taken this Court to the injury report recorded in paragraph 18 which endorses the submissions put forward by the learned counsel for the petitioner. He however submits that the petitioner has criminal antecedent.

6. Though the petitioner has criminal antecedent, the injury does not match with the allegation as it has been found to be simple in nature due to hard blunt substance, the petitioner is in custody since 19.12.2023 (para 13 to the petition) and it has been undertaken by him through his learned counsel that he will be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions.

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, Nalanda in connection with Harnaut (Chero) P.S. Case No. 627 of 2021 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 one year 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)

Vijay Singh/-

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