

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52270 of 2024

Arising Out of PS. Case No.-34 Year-2022 Thana- TAJPUR District- Samastipur

Suman Kumar Son of Anil Kumar Singh Resident of Village - Manjhaul,
Purwari Tola, Police Station - Manjhaul, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 23-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Tajpur
P.S. Case No. 34 of 2022 registered for the offences punishable under
Sections 120B, 385, 387 and 307 of the Indian Penal Code and
Section 25(1-B)a, 26, 27 and 35 of the Arms Act.

3. As per prosecution case, informant bus was crossing
near motipur bus stand suddenly five persons sitting on two
motorcycles came and two persons opened fire indiscriminately
towards the gate of driver and co-driver. It is alleged that driver
sustained three pellet injuries and he was treated at Sadar Hospital,
Samastipur. It is further alleged that some day ago scuffle took place
between informant's other drivers and staff of Mahadev Rath. It is
also alleged that ransom of rupees two lakh was demanded from
informant to be paid to the owner of bus Mahadev Rath. It is further



alleged that gossip was going that miscreants were hired for killing the informant.

4. Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name has been surfaced in the present case on account of confessional statement of co-accused Dhananjay Kumar. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that petitioner is in custody since 20.03.2024 and bears criminal antecedent of one case in which he is on bail. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel orally submits that no TIP has been conducted uptill now. He further submits that co-accused Dhananjay Kumar, upon whose confessional statement the name of the present petitioner has been transpired in this case, has already been granted bail by this court vide Cr. Misc. No. 33996 of 2022 and the case of present petitioner stands more or less on similar footing.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail,



argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate I, Samastipur in connection with Tajpur P.S. Case No. 34 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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