

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55095 of 2024

Arising Out of PS. Case No.-370 Year-2023 Thana- KHUSRUPUR District- Patna

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1. Suraj Kumar SON OF Umesh Kumar @ Umesh Yadav @ Mushri Yadav Village-Harddas Bigha, P.S.- Khusrupur, District-Patna
 2. CHANDAN KUMAR SON OF UMESH KUMAR @ UMESH YADAV @ MUSHRI YADAV Village-Harddas Bigha, P.S.- Khusrupur, District-Patna

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Anand, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-08-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Khusrupur P.S. Case No. 370 of 2023 for the offence under Sections 147, 148, 149, 341, 323, 307, 354, 379, 504, 506 and 34 of the Indian Penal Code and 27 of the Arms Act lodged on 29.08.2023 by the informant, Paro Devi.

3. As per the prosecution story, it is the case of the informant that earlier the accused persons used to tease her granddaughter, and when this was informed to the family members, they assembled on 28.08.2023 and after abusing, one Parwi Yadav opened fire which hit the head of the informant's



son causing injury. The allegations of outraging the modesty and taking away Rs.10,000/- are also against the accused persons the son was rushed to Nalanda Medical College and Hospital, Patna where he is/was undergoing treatment. This following the FIR.

4. Learned counsel for the petitioners submit that for the same set of occurrence, two FIRs were lodged, one by the informant, Paro Devi and other by the Police to implicate all the accused persons, names have been given. The fact remains that one Parwi Yadav opened fire which hit the head of the son of the informant who was rushed to the Nalanda Medical College and Hospital, Patna and others have been dragged.

5. Learned APP opposes the prayer for bail and submits that all of them have been named in the FIR though allegation of opening fire is on Parwi Yadav as also outraging the modesty of the informant and taking away Rs.10,000/- is/are also there.

6. Considering the allegation that has come against the two petitioners, mainly it is against Parwi Yadav of opening fire which hit the head of the informant's son, against them there is allegation of criminal assembly, the two accused persons do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail.



7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Patna City, in connection with Khusrupur P.S. Case No. 370 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as also with 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 petitioners 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 petitioners shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioners 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 petitioners 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)

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