

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54203 of 2024

Arising Out of PS. Case No.-144 Year-2024 Thana- BHAGWANPUR District- Vaishali

Raushan Kumar son of Sanjay Singh village - Bhagwanpur Wafapur Banthu
ward no-06, Ps- Bhagwanpur Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-08-2024 Heard Mr. Hemant Kumar, learned Advocate for the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner seeks regular bail, who is in custody
in connection with Bhagwanpur P.S. Case No. 144 of 2024
registered for the offence punishable under Sections 307 and
120(B) of the Indian Penal Code.

3. Based upon the written report, the prosecution
alleges that while the informant was returning to his home from
market, in the meantime two of the motorcycle riders came
there and one of them fired upon him, due to which he sustained
fire arm injury on his leg. It is further alleged that the informant
suspected the hands of the petitioner and co-accused Rituraj
Singh who were making hindrances in running the hostel of the



informant and this petitioner has also threatened with dire consequences on his mobile.

4. Learned Advocate appearing on behalf of the petitioner referring to the FIR contended that the entire case is based on suspicion and save and except suspicion, there is no material suggesting the complicity of the petitioner in crime. Even if the allegation taken to be true against the petitioner that is only with respect to causing threat to the informant. It is next contended that there is a business rivalry on account of running of hostel and the PDS shop which is in the name of the grandfather of the petitioner and on account of supply of some food articles earlier there was a dispute between them. It is next contended that co-accused Rituraj Singh having identical allegation has been allowed the privilege of regular bail by this Court in Cr. Misc. No. 53147 of 2024 by an order dated 07.08.2024 a copy of which has been produced before this Court. It is lastly contended that the petitioner is a man of fair antecedent and he has been incarcerated in custody since 03.06.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner was the person who used to give threatening to the



informant and there was an enmity which suggests the involvement of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that save and except suspicion of complicity of the petitioner there is no cogent material, moreover co-accused person having identical allegation has been allowed bail by this court and the petitioner is a man of fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate Vith, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 144 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner shall not be indulge in threatening of the informant for tampering with the evidence. In case of further threatening, the informant shall be at liberty to file a proper application before the court below.

(ii) The petitioner will cooperate in conclusion of the trial.

(iii) He will remain present on each and every date of



trial till disposal of the case.

(iv) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(v) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(vi) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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