

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.62260 of 2024**

Arising Out of PS. Case No.-63 Year-2021 Thana- PIRPAINTI District- Bhagalpur

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Suman Kunwar Son of Fagu Kunwar R/o Village- Amapur/Bakharpur, P.S.-  
Bakharpur/Pirpanty, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Baijnath Sah, Advocate  
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

5      03-12-2024                      Heard Mr. Baijnath Sah, learned counsel for the  
  
petitioner and Mr. Md. Ataur Rahman, learned APP for the  
  
State.

2. Petitioner seeks bail, who is in custody since  
01.03.2024, in connection with G.R. No. 1372 of 2021 arising  
out of (Bakharpur O.P.) Pirpanty P.S. Case No. 63 of 2021,  
F.I.R. dated 27.03.2021 registered for the offences punishable  
under Sections 147, 148, 149, 307, 447, 506 of the Indian Penal  
Code and Section 27 of the Arms Act.

3. Allegation against the petitioner is that he along  
with his associates reached the informant's house armed with



rifle and gun and started firing with an intention to kill the informant and his nephew. It is further alleged that the informant ran and hide himself along with his nephew in the back side of pillar of Varandah of his house.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that although the petitioner is named in the F.I.R. but there is no specific allegation of any assault or overt act attributed against the petitioner rather there is specific allegation of assault is against co-accused persons namely Chandan Tiwari, Gopal Tiwari and Dyannand Tiwari. He further submits that the petitioner has been made accused in the present case due to village politics as well as criminal antecedent of the petitioner and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 01.03.2024.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries 30 more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that out of 30 cases, the



petitioner is on bail in 23 cases.

6. Considering the aforesaid facts and circumstances of the case as well as nature of accusation in the F.I.R. against the petitioner, 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 District & Sessions Judge XI, Bhagalpur in connection with G.R. No. 1372 of 2021 arising out of (Bakharpur O.P.) Pirpainty P.S. Case No. 63 of 2021, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) And, further condition that 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 antecedents, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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