

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72530 of 2024

Arising Out of PS. Case No.-314 Year-2024 Thana- RAMKRISHNANAGAR District- Patna

Suraj Yadav @ Suraj Kumar @ Amit Raj @ Amit Kumar S/O Satyendra
Kumar R/O Bihari Path, New Bighrhpur, P.S- Jakkanpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal Sr. Adv. Mr. Arvind Kumar Mr. Kumar Rajdeep Advocates
For the Opposite Party/s	:	Mrs. Sharda Kumari, APP Mr. Shashi Kant, Mr. Surendra Arya, Advocates

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 20-12-2024 Heard learned senior counsel for the petitioner, learned Additional Public Prosecutor for the State as well as learned counsel for the informant, who has appeared *suo motu*.

2. The petitioner apprehends arrest in connection with Ramkrishna Nagar PS Case No.314 of 2024 dated 26.04.2024, instituted under Sections 341, 323, 324, 325, 307, 427, 379, 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. There is specific allegation against Suraj Yadav, Sunil Kumar and Niranjana Kumar of assaulting the informant on the head of the informant by means of butt of the pistol. It is further alleged that petitioner opened fire but none has sustained any firearm injury.



4. Learned senior counsel for the petitioner submits that there is case and counter case between the parties. Counter case i.e., Ramkrishna Nagar PS Case No.291 of 2024 has been lodged by the co-accused, namely Sunil Kumar on 11.04.2024. *Fard beyan* of the present case has been lodged on 12.04.2024, which was registered on 26.04.2024. It is submitted that petitioner is known to co-accused Sunil Kumar and there is friendship with him and there is land dispute between co-accused Sunil Kumar and the informant's son-in-law. It is further submitted that the occurrence took place due to land dispute. Further submission is that the injury report of the informant does not corroborate the allegation. There is no injury on the head of the informant. One injury is on thumb and two injuries are on little fingers. Civil dispute is going on between the parties. It is next submitted that similarly situated co-accused namely, Sunil Kumar has been granted anticipatory bail vide order dated 17-12-2024 passed in Criminal Miscellaneous No. 61256 of 2024. Lastly, it is submitted that the two criminal cases are pending against the petitioner.

5. Learned APP as well as learned counsel for the informant have opposed the prayer for bail. Learned counsel for the informant submits that there is specific allegation against the



petitioner of assaulting on the head of the informant.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Patna, in Ramkrishna Nagar PS Case No.314 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

7. The application stands allowed

(Khatim Reza, J)

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