

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73693 of 2024

Arising Out of PS. Case No.-341 Year-2024 Thana- MASAUDHI District- Patna

Sanjiv Kumar @ Chhotu S/o Ganesh Kumar Singh R/o Village- New
Manichak, P.S.- Masaurhi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Advocate

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-10-2024 Heard Mr. Indeshwari Prasad Mandal, learned
counsel for the petitioner and the State.

2. The petitioner is in custody in connection with Masaurhi P.S. Case No. 341 of 2024 for the offence punishable under sections 342, 307 and 120B of the Indian Penal Code and Section 27 of the Arms Act lodged on 30.04.2024 by the informant, Kanchan Devi.

3. As per the prosecution story, the informant alleged that in the night when he went outside to see off his friends, the accused persons pointed pistol and on the instruction of Sonu Kumar, the accused persons assaulted her son and further allegation against Baiju Kumar is of giving knife blow while this petitioner opened fire causing injury below his eyes. Allegation of firing is also against Bhushan Kumar @ Chunnu.



As the villagers came, they escaped. The injured was taken to Masaurhi Hospital then to PMCH, Patna and finally to a private hospital for better treatment. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that though allegation of firing is there, no such injury has been found as per his information and has already suffered by being in custody since 04.05.2024 (paragraph no. 12 of the petition). Further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner on its own would like to contribute towards the medical assistance of Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the injured after checking the credentials.

5. Learned APP opposes the prayer for bail submitting that he has opened fire.

6. Considering the submission put forward by the parties as also the fact that as per the record, the petitioner is a student, the submission has been made that firearm injury has not been found beneath his eyes and is in custody since 04.05.2024, this Court is inclined to extend him the privilege of



bail with conditions subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court at the time of execution of bail bond.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Masaurhi, Patna, in connection with Masaurhi P.S. Case No. 341 of 2024 subject to 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 petitioner 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 petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner 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 petitioner 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)

Adnan/-

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