

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73317 of 2024

Arising Out of PS. Case No.-290 Year-2024 Thana- MADHUBAN District- East Champaran

Raja Kumar Son of Kishun Sahni Resident of village - Kanshpakari, P.S.-
Madhuban, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma, Adv.
		Mr. Abhishek Kumar, Adv.
For the Opposite Party/s	:	Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-10-2024 Heard Mr. Umesh Chandra Verma, learned counsel
for the petitioner and the State.

2. The petitioner is in custody in connection with
Madhuban P.S. Case No. 290 of 2024 for the offence punishable
under sections 238, 3(5) of the Bhartiya Nyaya Sanhita and
Section 25, 9, 27 of the Arms Act of the Indian Penal Code
lodged on 15.07.2024 by the informant, Anil Kumar Das.

3. As per the prosecution story, the informant alleged
that on information that joy firing is being made in a marriage
ceremony and upon reaching there, it was informed that while
snatching of the arms, one Lucky Kumar has sustained gun shot
injury and has been rushed to Patna for treatment. Upon inquiry,
the relatives of Lucky Kumar did not give any satisfactory reply



but the removal of blood stains from the earth could be seen.
Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he do not have criminal antecedent and only due to suspicion, named. The fact remains that he was an invitee and was present but has been implicated. Further submission is that once the Lucky Kumar succumbed to the injuries, his father had already lodged a separate FIR in which he has not been made accused and the last submission is that without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submits that he is ready to pay Rs. 10,000/- to the Chief Minister's Relief Fund.

5. Learned APP opposes the prayer for bail submitting that in course of joy firing, an innocent lost his life and petitioner is among the accused.

6. Though allegation is there, the fact remains that another FIR is there alleging the role to different accused, petitioner is not named in the second FIR (Madhuban P.S. Case No. 294 of 2024), he do not have criminal antecedent, has remained in custody since 06.08.2024 (para 1 of the petition), this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 10,000/- to the Chief



Minister's Relief Fund as undertaken by the learned counsel for the petitioner.

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 Judicial Magistrate-1st Class, East Champaran, Motihari in connection with Madhuban P.S. Case No. 290 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)

Vijay Singh/-

U		T	
---	--	---	--

