

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74129 of 2024

Arising Out of PS. Case No.-43 Year-2021 Thana- SURYAGARHA District- Lakhisarai

Krishna Kumar Son of Subodh Singh Resident of Village - Shobhani, Police
Station - Suryagarha, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Suryagarha P.S. Case No. 43 of 2021, registered for the offences under Sections 302, 304 and 34 of the Indian Penal Code and Section 27 of Arms Act.

3. As per the prosecution case, co-accused persons caught hold of the brother of the informant and fired upon him. The occurrence took place when the co-accused Goda Devi forbade the brother of the informant from taking his tractor from a particular path. The allegation against the petitioner and two other co-accused persons is that they assaulted the mother of the informant with *lathi* and danda causing injuries to her. The brother of the informant succumbed to firearm injuries.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR it is apparent that there is no allegation of opening fire against this petitioner and only allegation against this petitioner and two other co-accused persons is of assaulting the mother of the informant with lathi and even that allegation is false and concocted. Learned counsel further submits that four witnesses have been examined in this case including the informant but none of the witnesses have named the petitioner for being involved in the occurrence. The petitioner is in custody since 20.05.2024 and he is having clean antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the non-specific and non-serious nature of allegation against the petitioner and further considering the deposition of prosecution witnesses and also considering the clean antecedent of the petitioner and period of custody of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties



of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II, Lakhisarai/concerned court, in connection with Suryagarha P.S. Case No. 43 of 2021, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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