

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76757 of 2024

Arising Out of PS. Case No.-77 Year-2024 Thana- CHANDI District- Bhojpur

Munna Kumar son of Laxman Yadav village- Ratanpur, Ps- Chandi, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Adv.
For the Opposite Party/s : Mr. Rajendra Singh, APP;

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-10-2024 Heard the parties.

2. The petitioner is in custody in connection with Chandi P.S. Case No. 77 of 2024 for the offence punishable under sections 147, 148, 149, 323, 341, 504 and 302 of the Indian Penal Code and 25(1-B)(a), 26, 27, 35 of the Arms Act lodged on 22.06.2024 by the informant, Surendra Yadav.

3. As per the prosecution story, the informant alleged that in the evening of 21.06.2024, the accused persons, armed variously came and thereafter, allegation is that upon extortion made by the accused persons, Kaushal opened fire which hit the right chest of the informant's son, Vishal Kumar. As the villagers started assembling, they escaped. The injured was rushed to Sadar Hospital, Ara but was declared dead. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that though allegation of arm has been attributed to this petitioner, specific allegation of opening fire is on Kaushal, which hit the chest of the deceased. He has been in custody since 23.06.2024 (para 17 of the petition). Though he concede that the petitioner has criminal antecedent.

5. Learned APP opposes the prayer for bail submitting that this petitioner was also having arms and they attacked the informant's side which ultimately resulted into the death of his son.

6. Though allegation of having arm in the hand of the petitioner is there, the fact remains that the allegation of opening fire has been attributed to Kaushal which hit the chest of the informant's son causing death, he is in custody since 23.06.2024 and in that background, this Court is inclined to extend him the privilege of bail with conditions.

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, Bhojpur at Ara in connection with Bhojpur P.S. Case No. 77 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/rela-



tive 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 one year 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/-

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