

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82916 of 2024

Arising Out of PS. Case No.-327 Year-2024 Thana- MIRGANJ District- Gopalganj

Sumit Kumar @ Sumit Kumar Prasad S/o Beyash Prasad @ Bayash Prasad
R/O- Bhit Bherwa, PS-Gopalganj Town, Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the State : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-12-2024 Heard Mr. Shashank Shekhar, learned counsel

for the petitioner and Mr. Chandra Sen Prasad Singh, learned

APP for the State and Mr. Brij Bihari, learned counsel

representing the informant.

2. The petitioner is in judicial custody in connection
with Mirganj P.S. Case No. 327 of 2024 for the offences
punishable under Sections 118, 109, 61(2) and 3(5) of the
Bharatiya Nyaya Sanhita and section 27 of the Arms Act,
lodged on 31.07.2024 by the informant, Basant Lal Sharma.

3. As per the prosecution story, the informant
alleged that the accused persons entered the shop and after
opening fire retreated before leaving they disclosed that since



rent for a restaurant is being demanded, the present incident has been done. This led to the F.I.R.

4. Learned counsel for the petitioner submits that he has absolutely clean antecedent, only to implicate, the present F.I.R. Further, there is no injury to the prosecution side, he has remained in custody since 03.08.2024 (paragraph no.5 of the petition) and last submission is that without accepting allegation and/or the outcome of the present petition, learned counsel for the petitioner submits that he is ready to pay Rs.5,000/- to the Chief Minister's Relief fund and the receipt has to be submitted before Trial Court.

5. Learned counsel for the informant as also learned APP for the State opposes the prayer submitting that defying the law of the land they opened fire in the shop.

6. Considering the submissions put forward by the parties as also the fact that the F.I.R. is there, though it seems that the petitioner has little respect for the law of the land, however, considering that there is no injury, the petitioner do not have criminal antecedent, has remained in custody since 03.08.2024, an opportunity be given to him to mend his ways, in that background, this Court is inclined to extend him the privilege of bail subject to payment of Rs.5,000/- as



undertaken by the learned counsel for the petitioner to be paid to the Chief Minister's Relief Fund and the receipt has to be submitted before 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) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate,-X, Gopalganj in connection with Mirganj P.S. Case No. 327 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 *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court 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 month for next 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 bail bonds.

(Rajiv Roy, J)

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