

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80619 of 2024

Arising Out of PS. Case No.-335 Year-2024 Thana- BANIAPUR District- Saran

Suryansh Kumar @ Goltu @ Suryance Kashyap @ Suryansh Kumar @ Golu
Son of Umakant Singh Resident of village-Rajauli , P.S-Baniyapur , Distt.-
Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate
For the State : Mr. Sunil Kumar Pandey, APP
For the Informant : Mr. Ankur Prakash Sinha, Advocate
Mr. Ujjawal Bhushan, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 02-12-2024 Heard learned counsel for the petitioner and learned APP
for the State as also learned counsel for the Informant.

2. The petitioner seeks bail in connection with
Baniyapur P.S. Case No. 335 of 2024 instituted for the offence
under Sections 103(1) & 3(5) of the Bharatiya Nyaya Sanhita,
2023 and Section 27 of the Arms Act.

3. As per the prosecution case, while the informant
along with his sons were irrigating his field, the accused
persons, including the petitioner came and started assaulting his
son. On the order of co-accused, namely, Santosh Singh, co-
accused, namely, Rohit Pandey fired upon the son of the
informant due to which he died. The allegation against the



petitioner is of caught holding the deceased.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 29-07-2024. Petitioner is a man of clean antecedent.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. There is no specific allegation against the petitioner. Specific allegation of firing is against co-accused, namely, Rohit Pandey and he has not whispered anything against the petitioner in his confessional statement. It is submitted that petitioner neither had motive nor the intention to harm the victim, as there was a land dispute between the informant and the co-accused. It is next submitted that police after investigation has submitted final form bearing Final form No. 512/2024 dated 22-10-2024, and found that the allegation levelled against the petitioner and co-accused, namely, Santosh Singh not true, but differing with the opinion of the same the court below took the cognizance of the matter on 25-10-2024.

6. Learned A.P.P. for the State and learned counsel for the Informant have vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances



of the case and period of custody of the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Baniyapur P.S. Case No. 335 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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