

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82464 of 2023

Arising Out of PS. Case No.-34 Year-2023 Thana- SAMHO District- Begusarai

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KRISHNA RAI @ KISHAN KUMAR @ KRISHNA KUMAR SON OF
MALHU RAY RESIDENT OF VILLAGE- SHAMHO TOTHAHA, POLICE
STATION- SHAMHO, DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bipin Kumar

For the Opposite Party/s : Mr.Narsingh Tanti

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-01-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Shamho P.S. Case No. 34 of 2023 initially registered for the
offences punishable under Sections 341, 342, 323, 326, 307, 504
of the IPC and Section 27 of the Arms Act. Later on, Section
302/34 of the IPC was also added.

3. As per prosecution case, petitioner and others
are said to have pulled the informant's husband towards road
side after catching him from the door. It is further alleged that
on the exhortation of co-accused Ramashankar Choudhary, co-
accused Abhishek Rai fired which hit the head and hand of
informant's husband. Thereafter, the injured was taken to the



hospital for treatment. During course of treatment, the informant's husband succumbed to the injury.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He further submits that there is only allegation against the petitioner that he alongwith others caught hold the informant's husband. The specific allegation of firing is against co-accused Abhishek Rai and on the said firing the victim sustained two bullet injuries. Petitioner is in custody since 14.09.2023 and bears no criminal antecedent. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. Learned counsel for the informant and learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties



of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Begusarai in connection with Shamho P.S. Case No. 34 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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