

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85438 of 2023

Arising Out of PS. Case No.-86 Year-2023 Thana- SAHJAHANPUR District- Patna

Suraj Kumar @ Suraj Prakash Son of Krishna Prasad @ Hare Krishna Mahto
@ Teni R/o vill - Kaji Bigha, P.S. - Shahjahanpur, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Aryan Singh, Advocate
For the Opposite Party/s	:	Ms. Rita Verma, APP
For the Informant	:	Mr. Avanish Kumar Singh, Advocate

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

ORAL ORDER

4 24-04-2024 Heard learned counsel for the petitioner and learned APP
for the State and perused the case diary.

2. The petitioner seeks bail in connection with
Shahjahanpur P.S. Case No. 86 of 2023 instituted for the offence
under Sections 341, 323, 447, 307, 379, 506 & 34 of the Indian
Penal Code.

3. The allegation against the petitioner is that he along
with other co-accused persons destroyed the crops of the field of
the informant. They brutally assaulted the informant with
intention to kill him upon which he got serious injury. They
stole golden and silver ornaments and cash Rs. 70,000/- from
the box of the house of the informant.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 02-07-2023. Petitioner bears two criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is submitted that informant died two months after the occurrence. It is also submitted that doctor who has examined the deceased at first on 07-06-2023, gave his statement that the injury occurred to deceased was insufficient to cause death and there was no injury report prepared of it as the deceased was completely fine.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that witnesses have supported the prosecution version. It is also submitted that opinion on cause of death is reserved till the report of viscera examination comes from FSL. After investigation police have found the case true and submitted charge sheet against the petitioner u/S 341, 323, 447, 307 & 506 of the IPC and from perusal of the case record, it appears that informant died but IO has not submitted charge sheet u/S 302 of the IPC against the petitioner.

7. Considering the aforesaid facts and circumstances



of the case, period of custody of the petitioner, perusing the report and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail, **after framing of charge, if not already framed**, 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 Shahjahanpur P.S. Case No. 86 of 2023, 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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