

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4952 of 2025

Arising Out of PS. Case No.-361 Year-2024 Thana- PARBATTa District- Khagaria

Sithun Kumar S/O Late Chandragupta Yadav Resident of Village - Arariya,
P.S- Parbatta(Maraiya OP), District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amar Kumar Singh, Advocate
For the Opposite Party/s : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Parbatta P.S. Case No. 361 of 2024 registered for the alleged offences under Sections 126(2), 115(2), 109, 324(4), 324(5), 303(2), 352, 351(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 27 of the Arms Act.

03. As per prosecution case, petitioner and other co-accused persons fired upon the brother, nephew and son of the informant but they escaped unhurt. Thereafter, the petitioner and co-accused persons abused and fired upon the informant and his brother and the shot fired by the co-accused Mister Yadav hit the ear of the informant. Further allegation is that the petitioner and other co-accused persons also fired and they took



away a gold locket and Rs. 5,000/- cash from the informant. The occurrence took place in the background of dispute over grazing of crop by horses.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The FIR has been lodged after delay of one day for which there is no explanation. From the FIR, it is also apparent that the specific allegation of opening fire and causing injury to the informant is against co-accused Mister Yadav and there is no specific allegation against this petitioner for causing injury and there is only general and omnibus allegation of opening fire along with other co-accused persons. The petitioner was made accused in Parbatta (Maraiya) P.S. Case No. 413 of 2018 but the petitioner was not sent up to face trial in that case. The petitioner is in custody since 10.11.2024 and charge-sheet has been submitted.

05. Learned APP for the State opposes the prayer for bail.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the general and non-specific nature of allegation against the petitioner and further considering the period of custody of the



petitioner along with submission of charge-sheet, the petitioner above named is directed to 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 learned Additional Chief Judicial Magistrate-I, Khagaria/court concerned in connection with Prabatta P.S. Case No. 361 of 2024, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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