

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16453 of 2025

Arising Out of PS. Case No.-95 Year-2024 Thana- PURAINI District- Madhepura

Prince Kumar @ Malick Kumar @ Malick Son of Ranjan Yadav R/o - Bala
Tol, P.S - Puraini, District - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dr Sanjay Kumar Singh, Advocate
For the Informant	:	Mr.Dinesh Prasad Verma, Advocate
For the Opposite Party/s	:	Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 20-06-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. The petitioner seeks bail in a case registered for the
offences under Sections 302 and 34 of the Indian Penal Code
and Section 27 of the Arms Act.

3. As per the prosecution case, the informant received
information from the husband that seven named accused
persons, all variously armed had approached the house of the
informant and Prince Kumar @ Malick Kumar (petitioner) was
stated to have been fired which missed, however, subsequent
thereto one Dhananjay Yadav shot on the abdomen of the
husband of the informant. The husband of the informant was



then taken to the hospital and he was referred to Bhagalpur but he died on the way.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Learned counsel further submits that from the contents of the FIR it would be clear that the shot fired by the petitioner has been stated to have missed and subsequently, the co-accused Dhananjay Yadav fired which hit the deceased on his abdomen. It is further submitted that there are general and omnibus allegation on all the accused persons to have assaulted with iron rod. Learned counsel further submits that even from the perusal of the post-mortem report it would be clear that only one fire arm injury was sustained by the deceased. It is lastly submitted that the petitioner has clean antecedent and is in custody since 18.11.2024.

5. Learned APP for the State as well as learned counsel for the informant have jointly opposed the prayer for bail of the petitioner and submits that there is specific allegation upon the petitioner to have fired upon the deceased, which shows the intention to kill. Learned counsel for the informant further submits that petitioner being an active participant should not be released on bail especially for the fact that trial has begun



and three witnesses have already been examined.

6. Considering the aforesaid facts and circumstances of the case and taking into account that from perusal of the FIR it would be evident that the fire shot by the petitioner had missed the deceased and even from the post-mortem report there is only one injury found, let the petitioner above-named be enlarged 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 the learned court below where the case is pending/successor court in connection with Puraini P.S. Case No. 95/2024 subject to the conditions :-

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. In case of absence on two 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.
- d. The Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has



concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the aforementioned order shall not be delayed for purpose of or in the name of verification.

e. If it is found that the trial is being delayed on account of the petitioner, the learned court below shall be at liberty to cancel the bail bonds of the petitioner.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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