

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35068 of 2025

Arising Out of PS. Case No.-101 Year-2024 Thana- KALUAHI District- Madhubani

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Suresh Safi S/O Ganesh Safi R/O- Kewalpatti, P.S - Rajnagar, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the State : Mr. Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-06-2025

Heard the parties.

2. The petitioner is in custody in connection with Kaluahi P.S. Case No. 101 of 2024 for the offence punishable under sections 224, 341, 326, 332, 333, 353, 307 and 34 of the Indian Penal Code and section 25(1-b)a, 25(5), 26, 27 and 35 of the Arms Act, lodged on 08.06.2024 by the informant, Rahul Kumar.

3. As per the prosecution story, the informant alleged that he got the information that the accused persons have assembled to commit crime. They also got information that it includes Amar Kumar Yadav who few days ago was involved in a loot case. Accordingly, it moved to the place where they found the accused assembled and tried to escape and further when the police was able to intercept, they resorted to firing. Counter firing also took place in which both the police as also the accused got injuries. As the villagers started assembling, leaving their



motorcycle behind, they managed to escape, this led to the F.I.R.

4. Earlier, the petitioner moved before this Court in Cr. Misc. No. 76242 of 2024 which came to be rejected on 28.10.2024 and this is the second attempt.

5. Learned counsel for the petitioner submits that he is not amongst those who indulged in the crime which resulted into firing/cross-firing, his name has come in the confessional statement of the accused apprehended by the Police after the ambush and is in custody since 08.06.2024, if granted relief, he shall be diligently appearing in trial.

6. Learned APP opposes the prayer for bail submitting that the two Policemen suffered injuries which has been found to be grievous in nature.

7. Considering the submissions of the parties, though allegation of firing/cross-firing is there, it is against those who were present at the spot, the name of the petitioner has come in the confessional statement, claim is that he was not present at the spot nor the role of opening fire is assigned, has remained in custody since 08.06.2024 and an undertaking has been given that he shall be diligently appearing in trial, in that background, this Court is inclined to extend him the privilege of bail.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties



of like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani in connection with Kaluahi P.S. Case No. 101 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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