

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89173 of 2024

Arising out of PS. Case No.-277 Year-2022 Thana- KHAGARIA District- Khagaria

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Sujay Kumar @ Sujay Singh @ Fighter, S/o Late Arjun Singh R/o Village-
Bhadas South, P.S- Muffasil, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate

For the Opposite Party/s: Mrs. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

5 11-04-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

2. The petitioner seeks bail in connection with Session
Trial No. 109 of 2023 arising out of Khagaria (Muffasil) P.S.
Case No. 277 of 2022 instituted for the offences under Sections
353, 307/34 of the Indian Penal Code and Section 27 of the
Arms Act.

3. The prosecution case is based on a written report by
one Jay Prakash Yadav, SHO of Muffasil P.S., it is alleged that
on 03.04.2022 at about 11.15 P.M. he got secret information that
the accused of some of cases are resting in village Bhadas South
and they were armed. It was further alleged that he along with
other police personnel reached at the said house of the accused
persons, they started firing from the Bansbitti putting danger to



their life. It is also alleged that co-accused Ajay Singh including the petitioner (Sujay Singh) managed to escape from there.

4. It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in this case and he carries altogether seven criminal antecedents as mentioned in paragraph 3 of the bail petition and the police due to his previous conduct has roped him in the present matter, however, no such incident as alleged has taken place. It is further submitted that no incriminating material has been recovered from the petitioner and despite allegation of firing no person was injured. It is lastly submitted that the petitioner is in custody since 26.07.2024 and, hence, he may be granted liberty of bail.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and has submitted that the petitioner carries criminal antecedents as is evident from paragraph 3 of the bail application and he has fired upon the police personnel, hence, the petitioner does not deserve liberty of bail.

6. Taking into consideration the allegations as well as the submissions made on behalf of the parties and also the fact that the co-accused namely Ajay Singh @ Ajay Mahanth has been granted regular bail by a Co-ordinate Bench of this Court



vide order dated 20.02.2024 passed in Cr. Misc. No. 8686 of 2024, I am inclined to grant the privilege of bail to the petitioner. The petitioner, above named, is directed to 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 Priyanka Kumari, Judicial Magistrate, 1st Class, Khagaria (or her successor) in connection with Sessions Trial No. 109 of 2023 arising out of Khagaria (Muffasil) P.S. Case No. 277 of 2022, subject to the 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, if so required by the learned Trial Court.

(iii) 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 canceled by the Court concerned.

7. In view of the antecedents of the petitioner, the petitioner is directed to appear before the Superintendent of Police, Khagaria within fifteen days of his release with a copy of this



order and every two weeks thereafter for the next nine months.

The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned.

(Sourendra Pandey, J)

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