

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.23975 of 2019

Arising Out of PS. Case No.-52 Year-2019 Thana- GARDANIBAG District- Patna

BHARAT KUMAR, Male, aged about 35 years, Son of Surya Deo Prasad @
Surya Deo Ram, Resident of Village - Bikha Cfhak mai Astahn, P.S.-
Gardanibagh, Distt.- Patna. (Bihar) ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Dhanendra Chaubey, Adv.

For the Opposite Party : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 16-04-2019 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the State.

The petitioner seeks bail in connection with
Gardanibagh P.S. Case No. 52 of 2019 for the offences alleged
under Sections 324, 307 and 34 of the Arms Act and under
Sections 25(a-b) and 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while he had brought his father from duty and was at his
house, he heard the sound of firing. When he came out of the
house, he saw the petitioner along with another co-accused,
Neeraj Yadav, firing on each other and one bullet hit the
informant's arm.

It has been submitted by the learned counsel for the
petitioner that he is innocent, the petitioner was not on inimical
terms with the informant and the injury has not been caused on
the vital part of the body. He, further, submits that one case
under the Excise Act is pending against the petitioner, although
he has been granted police bail in the said case. The petitioner



is languishing in judicial custody since 23.01.2019.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations and the materials on record, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Gardanibagh P.S. Case No. 52 of 2019 to the satisfaction of the learned Additional Chief Judicial Magistrate, XIV, Patna, or the successor Court subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Shamshad/-

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