

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 7209 of 2020**

Arising Out of PS. Case No.-407 Year-2019 Thana- CHANDI District- Nalanda

SUNIL RAM Son of Late Nanhaku Ram @ Gulden Ram Resident of Village -
Rajabad, P.S.- Chandi, Distt - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Shyamal Prakash, Advocate

For the Opposite Party/s : Mr Harendra Prasad, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 **24-08-2020** As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner apprehends arrest in connection with Chandi Police Station (for brevity, PS) Case No 407 of 2019 instituted for the offence punishable under Section(s) 147, 148, 149, 307, 341, 323, 504, 506 of Indian Penal Code and Section



27 of Arms Act.

The prosecution case is that petitioner, along with 3 – 4 unknown persons, has come to the house of the informant. The petitioner was objecting to use of the pond water, in which he was carrying on fishing, for the use of irrigation. It is alleged that the petitioner exhorted the other persons to fire upon the informant and his family members when they rushed into their home.

Learned counsel for the petitioner submits that none has sustained any firearm injury in the alleged occurrence even as per the prosecution case. The police surprisingly has arrived at the alleged place of occurrence only within 20 minutes of the alleged occurrence. Other than four cartridges, alleged to have been recovered, there is nothing to support the prosecution case. The chance of four empty cartridges, being planted, cannot be ruled out. Other co-accused has been allowed anticipatory bail by this Court in Cr Misc No 7923 of 2020 and prayer for anticipatory bail of the petitioner has also been made on grounds of parity.

The learned APP for the State has opposed the prayer for anticipatory bail. It is submitted that in their statements, the witnesses have supported the case and discharged cartridges



have been recovered from the place of occurrence.

Considering the aforesaid facts, prayer of petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the Court below, within four (04) weeks from today, he shall be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate I, Hilsa, Nalanda in connection with Chandi PS Case No 407 of 2019 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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