

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 6750 of 2020

Arising Out of PS. Case No.-412 Year-2018 Thana- NAUBATPUR District- Patna

ASHUTOSH KUMAR S/o Sri Jitendra @ Jitendra Narayan @ Jitendra
Narayan Sharma R/o village- Chesi, P.S.- Naubatpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Birendra Sharma, Advocate

For the Opposite Party/s : Mr Ashok Kumar, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

10 01-12-2020

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.

The petitioner seeks bail in Naubatpur Police Station (for brevity, *PS*) Case No 412 of 2018 instituted for the offence punishable under Sections 324, 341, 307 of Indian Penal Code (for brevity, *IPC*) and Section 27 of Arms Act.



The informant has stated that when she went for prayers, the petitioner has fired upon her and fled away. She claims to have been admitted in local hospital where she was treated.

Petitioner's counsel submits that it is a case of false implication. In the investigation, the Investigating Officer has not found any sign of so-called occurrence and even the injury report has not been submitted so as to make out any offence under Section 307 of IPC against the petitioner. After his implication in this case, the petitioner has been remanded in 6 other cases, namely, Naubatpur PS Case No 19 of 2019, Naubatpur PS Case No 17 of 2019, Naubatpur PS Case No 181 of 2019, Naubatpur PS Case No 194 of 2019, Khagaul PS Case No 27 of 2019 and Naubatpur PS Case No 433 of 2019. In all the 6 cases, he is on bail. In this case, he is now in custody since 05.07.2019.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, 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 II, Danapur in Naubatpur
PS Case No 412 of 2018 subject to 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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