

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8331 of 2020

Arising Out of PS. Case No.-302 Year-2019 Thana- MOHANIYA District- Kaimur (Bhabua)

Sri Krishna Pandey, aged about 71 years (Male), Son of Late Ram Nagina Pandey Resident of Village - Lahurbari, P.S.- Mohania, Distt - Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	
For the State	:	Mr. Jitendra Kumar Singh, APP
For the Informant	:	Mr. Radha Mohan Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 09-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Nobody appears on behalf of the petitioner.

3. On 02.06.2020 also, despite link having been sent to learned counsel for the petitioner and the Court Master also telephonically talking to her, there was no representation on behalf of the petitioner. Today also the Court Master has informed that link has been sent to learned counsel for the petitioner but the phone has not been picked up by learned counsel.

4. Under the circumstances, the Court can only presume that learned counsel for the petitioner is not interested



in pursuing the matter.

5. Accordingly, the Court has proceeded with hearing Mr. Jitendra Kumar Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Radha Mohan Pandey, learned counsel for the informant.

6. The petitioner is in custody in connection with Mohania PS Case No. 302 of 2019 dated 30.06.2019 instituted under Sections 379/307/34 of the Indian Penal Code and 27 of the Arms Act.

7. The allegation against the petitioner, along with four others, is of firing on the informant whereas against the petitioner it is specific that due to firing made by him, there was gunshot injury on the right palm of the informant.

8. Learned APP, from the case diary, submitted that the genesis and sequence of the occurrence has been narrated in the FIR where there is allegation that firing made by others did not hit anybody, but against the petitioner it is specific that the firing made by him had caused injury on the right palm of the informant, which is corroborated by the injury report. However, on a query, learned counsel submitted that the petitioner has no other criminal antecedent, as has been disclosed in the case diary as also written in the application. It was further submitted



that the petitioner is in custody since 10.12.2019 and is aged above 70 years.

9. Learned counsel for the informant submitted that there is direct allegation of the petitioner having fired which hit the informant on the right palm and the injury report reveals such injury, which is grievous in nature.

10. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kaimur at Bhabhua in Mohania PS Case No. 302 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause,



shall also lead to cancellation of his bail bonds.

11. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

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