

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17032 of 2020

Arising Out of PS. Case No.-46 Year-2019 Thana- AKILPUR District- Saran

DHARAM RAY S/o Devsharan @ Devsharan Ray Resident of Village-
Shankerpur, P.S.- Sahpur, Distt- Patna. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar
For the Opposite Party/s : Mr.Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-08-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Akhilpur PS case no. 46 of 2019 registered for the offences punishable under Section 307 and other allied sections of Indian Penal Code.

The allegation is regarding the petitioner having arrived at the tea shop of the informant at about 7 pm on 30.08.2019 along with other co-accused persons, whereafter they started abusing and threatening the informant and when the informant objected to the same, the accused persons had fired gun shots on him causing injuries on his hand as well as below



the abdomen and on the back, whereafter, he had fallen down on the ground and then the accused persons had stolen a sum of Rs. 3,000/- from his money bags and had then fled away. It is further alleged that thereafter, the informant was taken by the police patrolling party to a private Nursing Home and then, he was referred to PMCH for better treatment.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that the petitioner is aged about 66 years old at present and has got nothing to do with the alleged occurrence and has been falsely implicated in the present case with oblique motive. It is further submitted that no specific allegation has been levelled upon the petitioner of having fired gun shots on the informant. It is also submitted that the petitioner is ready to abide by such conditions, as may be deemed fit and proper to be imposed by this Court for the purposes of grant of anticipatory bail to the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the petitioner and taking into account the fact that no specific allegation has been levelled upon the petitioner of having fired gun shots on the informant as also taking into account the fact that the



petitioner is aged about 66 years, I deem it fit and appropriate to extend the privilege of anticipatory bail to the petitioner, however subject to certain conditions. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Saran at Chapra in connection with Akhilpur PS case no. 46 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

It is further directed that the petitioner shall mark his attendance before the S.H.O. of the concerned police station on each and every Monday of the week for a period of two months from today so that the investigation can be completed by the police, failing which the present privilege of bail being granted to the petitioner shall stand revoked automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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