

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19444 of 2020

Arising Out of PS. Case No.-111 Year-2019 Thana- BARHARA KOTHI District- Purnia

Chhotu Kumar alias Abhimanyu Kumar aged about 20 years male son of Rama nand Yadav resident of village Thituaha Ward no. 13 Latona P.S. Triveniganj District Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 18-12-2020 Heard Mr. Ram Prawesh Kumar, learned counsel for the petitioner and Mr. Shyameshwar Dayal, learned counsel appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Barhara P.S. Case No. 111 of 2019 registered for the offence under Section 25 (1-b) a / 26 / 35 of the Arms Act.

The allegation as per the First Information Report is that the informant got information that near the Railway Gate firing has taken place and one person has died and one person has received injury and on the basis of that information he proceeded towards the place of occurrence and found that one person was lying dead and beside him one country made pistol and two fired cartridges were kept. It has further been alleged



that the people assembled near the place of occurrence informed the Police party that three persons riding on a motorcycle came there and were standing and after some time three other persons riding on another motorcycle came and started indiscriminate firing in which one of the persons died on the spot and one another sustained grievous injuries. It has also been stated that when the informant proceeded towards Barhara Bazar he saw that one man was lying in unconscious condition and was having injuries on his body. The local persons informed that one person had brought this person and threw him and fled away from motorcycle.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case on the basis of suspicion only. Learned counsel further submits that for the same incident one another case bearing Barhara P.S. Case No. 112 of 2019 registered under Sections 302 / 307 / 120 B /34 of the I.P.C. and Section 27 of the Arms Act was also lodged in which the petitioner has also been made accused and upon surrender the petitioner has been granted bail by the learned court below itself in B.P. No. 25 of 2020 by order dated 14.01.2020 (Annexure – 3 to this bail application). Learned



counsel further submits that petitioner has been remanded in this case from Barhara P.S. Case No. 112 of 2019 on 21.12.2019 and since then he is in custody. Learned counsel further submits that from perusal of the First Information Report it would be evident that no fire arm has been recovered from the conscious possession of the petitioner.

On the other hand, Mr. Shyameshwar Dayal , learned A.P.P. vehemently opposes the prayer for regular bail to the petitioner and submits that petitioner has got criminal antecedent and so many cases are pending against him as such he does not deserve the privilege of bail at this stage.

Having regard to the submission made by the parties and taking into consideration the materials available on record , the fact that in another case lodged for the same incident petitioner has been granted bail by the court below itself and he is in custody since 21.12.2019, I am inclined to grant regular bail to the petitioner **after framing of charge**.

Accordingly, let the petitioner, above named, be released on regular bail **after framing of charge** on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea / court concerned in connection with Barhara



P.S. Case No. 111 of 2019 on the following condition:-

(i) that the petitioner shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioner, his bail bond shall liable to be cancelled.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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