

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20434 of 2020

Arising Out of PS. Case No.-73 Year-2019 Thana- PIPRAHI District- Sheohar

Shri Ram Kumar @ Shri Ram Singh Son of Uma Shankar Kuwar Resident of
Village - Ratanpur, P.S.- Piprahi, Dist.- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Kumar

For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 28-08-2020 The Court proceeding has been conducted through
virtual mode.

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

Since the court proceeding in physical mode is
non-functional, due to present pandemic, COVID-19, the matter
is listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of court
proceeding in physical mode. In the eventuality of non-removal
of defects within undertaken period, the office will place the
matter before the bench.

The petitioner is languishing in custody since
22.06.2019 in a case registered for the offences punishable
under Sections 307/34 of the Indian Penal Code and Section 27



of the Arms Act, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the written report of Ravindra Kumar Jha submitted to the Station House Officer, Piprahi Police Station, is to the effect that on 29.04.2019 at 10.00 A.M., the informant was coming from Sheohar to his home but, on the way, three unknown persons on a motorcycle overtook the informant's motorcycle and resorted to fire. The first two firings misfired and thereafter, firing resorted to by the miscreants could not hit the informant and thereafter, all of them fled away, leading to registration of the present case against three unknown. The name of the petitioner sprang up during investigation as the person who was driving the motorcycle which gets confirmed from the CCTV footage. Consequently, the petitioner was apprehended with arms and confessed the guilt.

It is submitted by learned counsel for the petitioner that, in fact, no injury has been caused to the informant and in the background of old enmity, the petitioner has falsely been roped in the present case. Though, the petitioner is accused in seven other cases but a supplementary affidavit has been filed to the effect that the petitioner is on bail in other cases and in two



cases, bail applications are pending before this Court, statement to that effect has been made in paragraph 3 of the supplementary affidavit and the co-accused Harsh Mishra, Rishi Singh and Mukesh Jha, whose name also transpired during investigation like that of the petitioner, have been granted bail by the learned Court below, statement to that effect has been made in paragraph 12 of the petition. The investigation has already been concluded.

Learned APP for the State submits that the name of the petitioner sprang up during investigation and he has confessed his guilt.

Though, to constitute the offence under Section 307 of the IPC, intention or knowledge are the most important ingredient. There is no need for causing injury for constituting the offence under Section 307 of the IPC. However, from the FIR, it does not appear any compelling reason for the miscreants not to cause injury to the informant. The investigation has already been concluded but there is nothing on record to suggest that the petitioner has been put on T.I. Parade till date.

Considering the aforesaid facts, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the



satisfaction of the learned Judicial Magistrate, Ist Class, Sheohar in connection with Piprahi P.S. Case No. 73 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Sheohar in connection with Piprahi P.S. Case No. 73 of 2019.

The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

Accordingly, the application stands disposed of.

(Dinesh Kumar Singh, J)

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