

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL APPEAL (SJ) No.1404 of 2020**

Arising Out of PS. Case No.-21 Year-2019 Thana- CHIKSAUR District- Nalanda

BITTU KUMAR Son of Naresh Prasad Resident of Village- Bajitpur, P.S.-
Chiksaura in the District of Nalanda.

... .. Appellant

Versus

THE STATE OF BIHAR

... .. Respondent

Appearance :

For the Appellant/s : Mr.Sunil Kumar, Advocate

For the Respondent/s : Mr.Sadanand Paswan, Spl.PP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 21-10-2020 Heard learned counsel for the appellant and Mr.
Sadanand Paswan, learned Special P.P. for the State.

Appellant, in the present case, is seeking regular bail in connection with Chiksaura P.S. Case No. 21 of 2019 registered for the offence under Section 307, 341, 323, 504, 506/34 of the Indian Penal Code, Section 27 of Arms Act and Section 3(2)(v) of SC/ST (POA) Act.

Learned counsel for the appellant submits that from the First Information Report itself it will appear that this appellant had not fired by aiming on the victim girl who was standing behind the partition which was built of straw (Jhalasi) and in village called Tati. The informant has also not alleged that the victim was visible to this appellant, therefore learned counsel submits that it may be a case under Section 308 I.P.C.

It is further submitted that in the F.I.R. the cause of



alleged occurrence is said to be a dispute over placing the Naad in which the animals are feeded. It is in this kind of occurrence that the appellant is said to have fired from his pistol.

Learned Spl.P.P. for the State submits that no doubt the victim girl was standing behind the Tati but the fact is that this appellant has fired from his pistol and that the victim girl suffered injury which is grievous in nature.

Having regard to the facts and circumstances of the case wherein one firing has been attributed to this appellant but not aiming on the victim girl or the informant and the victim girl was said to be standing behind a Tati, she suffered a fire-arm injury which has been found to be grievous in nature but the appellant has remained in jail for nine months and he has got no criminal antecedent, considering this aspect of the matter and the submission of learned counsel for the appellant, this Court sets-aside the impugned order and directs release of the appellant on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Nalanda at Biharsharif, in connection with Chiksaura P.S. Case No. 21 of 2019, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the



conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Further condition that the court below shall verify the criminal antecedent of the appellant and in case at any stage it is found that the appellant has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the appellant.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

