

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27288 of 2020**

Arising Out of PS. Case No.-592 Year-2019 Thana- KHAGARIA District- Khagaria

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DHIRAJ KUMAR S/o Manjush Yadav Resident of Village- Badi Kothiya,
P.S.- Muffasil, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Adv.

For the Opposite Party/s : Ms.Rina Sinha, APP

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

3 20-10-2020 Learned counsel for the petitioner undertakes to remove all the defects pointed out by Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Rina Sinha, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Khagaria (Muffasil) P.S. Case No.592/2019, G.R. No.2245/2019 registered for the offence under Sections 448, 341, 323, 307 and 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner and informant both are gotiyas and from the First Information Report itself it will appear that they had a dispute over right to way. In the alleged occurrence, this petitioner is said to have



fired from his pistol causing fire-arm injury on the mid part of tibia and fibula. The injury has been found grievous in nature.

Learned counsel submits that this petitioner has remained in jail since 13.09.2019 and as both the parties are own gotiyas, the petitioner may be released on bail considering that the firing alleged is on a non-vital part of the body and the custody of the petitioner.

On the other hand, learned APP for the State has though opposed the prayer for regular bail of the petitioner, considering the facts and circumstances of the case wherein the alleged occurrence had taken place on a dispute over right to way, sole firing has been made on a non-vital part of the body and that the petitioner has remained in custody for over one year, let the petitioner abovenamed be released on bail on furnishing bail bond of Rs.25,000 (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IVth, Khagaria in connection with Khagaria (Muffasil) P.S. Case No.592/2019, G.R. No.2245/2019, subject to the condition as laid down under Section 437 (3) 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, of 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.

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

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)

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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'.

