

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80808 of 2019**

Arising Out of PS. Case No.-619 Year-2018 Thana- NAUBATPUR District- Patna

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Ram Das Mochi Son of Late Nathuni Das Mochi Resident of Village- Gaway,
P.S.- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

4 19-06-2020 The matter has been taken up through virtual Court proceeding.

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

The petitioner is languishing in custody since 09.05.2019 in a case registered for the offences punishable under Sections 341, 326, 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 fardbeyan of Ajit Das recorded by S.I. Rajiv Ranjan Kumar, Naubatpur P.S. on 30.12.2018 at 7.00 P.M. at Referral Hospital, Naubatpur, is to the effect that on the same day at 6.00 P.M., the informant was



sitting in front of his house along with son, Nitish Kumar, wife Lalpari Devi and co-villager Ranjit Das, in the meantime, Ram Das Mochi, the petitioner and co-accused Jaiprakash Kumar @ Bhim and Vikash Kumar came armed with pistol. It is alleged that the petitioner fired from his pistol on Nitish Kumar which caused injury below the left shoulder and he fell down and thereafter, the accused persons fled away.

It is submitted by learned counsel for the petitioner that the petitioner is the neighbour of the informant and due to previous enmity, the accusation has been levelled. The investigation has already been concluded and a statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. It is further submitted that the injured Nitish Kumar has received three injuries but out of three, one firearm injury has been found and opinion with regard to injury no. 1 has not been mentioned in the injury report and injury no. 2 has been found caused by sharp penetrating object.

Learned APP for the State submits that the accusation is specific against the petitioner.

Considering the fact that there is no repetition of blow, the investigation has already been concluded and



statement being made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, 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 Additional Chief Judicial Magistrate-II, Danapur in connection with Naubatpur P.S. Case No. 619 of 2018.

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.10,000/- (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 Additional Chief Judicial Magistrate-II, Danapur in connection with Naubatpur P.S. Case No. 619 of 2018.

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.

(Dinesh Kumar Singh, J)

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