

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14693 of 2021**

Arising Out of PS. Case No.-68 Year-2020 Thana- GANGABRIDGE District- Vaishali

ABHINAV KUMAR, Son of Dharmanath Yadav, Resident of Mohalla-
Adhivakta Nagar Ward No.04, P.S.- Nagar, District- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Harish Chandra Patel, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, A.P.P.

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

3 10-09-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Brajendra Nath Pandey, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Ganga Bridge P.S. Case No. 68 of 2020

registered for the offence punishable under Section 307 of the

Indian Penal Code and Section 25 (1-b)a/26/35 of the Arms Act.

Learned counsel for the petitioner submits that as per

the prosecution story while the informant's son was at his shop

two boys came on a motorcycle and one of them tried to shoot at

his son but firing did not take place and on raising alarm the

another boy fled away with motorcycle by making firing. The apprehended boy disclosed his name as Abhinav Kumar (the petitioner). In the meantime, the local persons assembled there and started assaulting him, the Police came and took him into custody. It is alleged that from the apprehended person arms and cartridge has been recovered.

Learned counsel submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that petitioner has not been arrested by the Police rather he has been apprehended by local persons. Nothing has been recovered from his conscious possession. He is in jail since 27.08.2020 having no criminal antecedent.

Mr. Brajendra Nath Pandey, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that as per the F.I.R. itself no shot was fired by this petitioner as he was having a Katta which did not work, from his possession Desi Katta and live cartridge has been recovered, chargesheet has already been filed and the petitioner has remained in custody since 27.08.2020, he has otherwise no criminal antecedent, this Court directs release of the petitioner above

named 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Ganga Bridge P.S. Case No. 68 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.