

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16160 of 2021**

Arising Out of PS. Case No.-191 Year-2020 Thana- BEGUSARAI TOWN District- Begusarai

HIRALAL KUMAR S/O SURESH CHOUDHARY R/o village- Bhagatpur,
P.S.- Ballia, District- Begusarai

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Chandan Kumar Kashyap, Advocate
For the Opposite Party/s : Ms. Shaheen Begum, APP

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

2 24-06-2021 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 learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Begusarai Town P.S. Case No. 191 of 2020 registered for the offences punishable under Sections 353, 307, 120(B) of the India Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that as per the prosecution story the informant was on duty with other police personnel at Nagar Nigam Office. Two persons started fighting and one of them fired gunshot which hit one of the



Home Guard in his thigh. In the meantime few persons also fired and fled away firing in air. From the spot four empty cartridges and two live cartridges have been found.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the petitioner is not named in the F.I.R. and the F.I.R. named other accused persons namely Rajiv Kumar and Chandan Mahto have been granted bail by learned co-ordinate Benches of this Court. Learned counsel submits that the petitioner is in custody since 29.06.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of the learned counsel for the petitioner that the petitioner is not named in the First Information Report, allegation of firing has been made against ten named accused and 10-12 unknown accused, however, from the place of occurrence only four empty cartridges have been recovered and so far as this petitioner is concerned, not only that he is not named and is in custody in connection with the present case since 29.06.2020, even the named accused persons namely Rajiv Kumar and Chandan Mahto have been granted bail by



learned co-ordinate Benches of this Court in Cr. Misc. No. 24536 of 2020 and Cr. Misc. No. 2118 of 2021, in the given circumstances, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Begusarai in connection with Begusarai Town P.S. Case No. 191 of 2020 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 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.

This application stands disposed of accordingly.

(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'.

