

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18429 of 2021**

Arising Out of PS. Case No.-80 Year-2020 Thana- NAUTAN District- West Champaran

UJJWAL PANDEY, Son of Pramod Pandey, Resident of Village- Mangalpur
Kala, Police Station- Nautan, District- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7, Adv.
For the Opposite Party/s : Mr.Surendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 25-10-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 307/201 of the Indian Penal
Code and Section 27 of the Arms Act.

Prosecution case, in brief, is that as per FIR, there is
allegation against the petitioner that he took away the son of the
informant namely, Pappu Pandey at Mangalpur Chowk and
caused him fire arm injury due to previous enmity. On
information when the informant rushed at Mangalpur Chowk,
where people disclosed him that his son has sustained fir arm
injury on his arm and the petitioner and others have taken away
him for his treatment.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that the police has recorded statement of the victim, he stated that the petitioner has not fired upon him, but one co-accused, namely, Deepak Tiwari fired upon him, which is mentioned in para 16 of the case diary). Later on in para 35 of the case diary, the statement of the victim recorded, he stated that the petitioner has fired upon him, it is There is contradiction in the statement of the injured person. The petitioner is languishing in judicial custody since 23.08.2020. The petitioner has got 04 criminal antecedents which is mentioned in para 3 of the bail petition.

Learned APP for the State vehemently opposed the prayer for bail application.

Considering the aforesaid facts and circumstances of the case and that there is contradiction in the statement of the injured person, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Nautan P.S. Case No. 80/2020 to the satisfaction of learned Court below where the case is pending/ successor Court; subject to the following conditions:

- (1) that one of the bailors will be a close relative



of the petitioner, who will be given an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

amitkumar/-

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

