

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18350 of 2021

Arising Out of PS. Case No.-5 Year-2018 Thana- RAXAUL RAIL P.S. District- West
Champaran

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Bhola Pandit, S/O Late Dinanath Pandit, R/O Village-Runia Tola, P.S-Adapur,
District-East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Adv.
For the Opposite Party/s : Mrs.Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-10-2021 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 307/34 of the Indian Penal
Code and Section 27 of the Arms Act.

Allegation against the petitioner is that he shot fire
with pistol on the back side of the informant accordingly the
informant received injury.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case due to dirty village politics and previous enmity. He further
submits that the police has arrested the petitioner on 24.02.2019
from the house in connection with Adapur P.S. Case No. 37 of



2019 under Sections 385/387 of the I.P.C. in which the petitioner released on bail vide order dated 29.05.2020 passed in Cr. Misc. no.7573/2020 by the co-ordinate Bench of this Court. Thereafter, on 09.10.2020, the petitioner has been remanded in this case although the petitioner is named in the FIR and the present FIR was instituted on 16.02.2018. The petitioner is languishing in judicial custody since 24.02.2019. The petitioner has got four 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 custody of the petitioner, 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 Trial No. 767/2020 arising out of Raxaul Rail P.S. Case No. 05/2018 (Raxaul G.R.P.P. Case No. 05/2018) 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)

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