

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21416 of 2021**

Arising Out of PS. Case No.-270 Year-2019 Thana- CHHAURADANO District- East
Champaran

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OM PRAKASH KUMAR Son of Lalbabu Prasad Resident of Village-
Bhelwa, P.S.- Chhauradano, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar
For the Opposite Party/s	:	Mr.Uma Shankar Prasad
For the Informant/s	:	Mr.Dhurendra Kumar

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

2 20-07-2021 Heard learned counsel for the petitioner, learned counsel
for the informant and learned A.P.P. for the State through virtual
court proceeding.

Learned counsel for the petitioner undertakes to remove
the defects within four weeks of resumption of normal court
proceeding. In the eventuality of non-removal of defects within
undertaken period, the office will place the matter before the
Bench.

The petitioner seeks bail in connection with Chhauradano
P.S. Case No.270 of 2019, registered for the offence punishable
under Sections 307, 427/34 of the Indian Penal Code and
section 27 of the Arms Act.

The prosecution case in short is that while the informant



was walking on his door, two riders came on a motorcycle out of which other co-accused was driving motor-cycle and the petitioner made firing from his revolver but the same could not hit the informant, rather hit on his Scorpio vehicle. Thereafter they fled away.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He has been falsely implicated in this case due to village politics. There is a land dispute between the parties. It is submitted that the petitioner and co-accused are full brothers and this petitioner has given his evidence against the informant in a case and due to this annoyance, informant has falsely implicated the petitioner in the present case. According to the F.I.R. itself, no one has sustained any firearm injury. No incriminating article has been recovered from the conscious physical possession of the petitioner. The petitioner has one criminal antecedent and has been languishing in custody since 01.01.2021.

Learned APP for the State and learned counsel for the informant opposed the prayer for bail by submitting that petitioner has made firing with an intention to kill the informant and he has one criminal antecedent .



Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Raxaul at Motihari, East Champaran, in connection with Chhauradano P.S. Case No.270 of 2019.

(Anjani Kumar Sharan, J)

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