

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28289 of 2021

Arising Out of PS. Case No.-201 Year-2020 Thana- BARH District- Patna

RAJ KUMAR Son of Arun Kumar Singh @ Arun Singh Resident of Village-
Berhna Jahidpur, P.S.- Barh, District- Patna. Petitioner/s
Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha
For the Opposite Party/s : Mrs. Pushpa Sinha
For the Informant : Mr. Arun
Ms. Kanika

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-07-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

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 a case registered for the offence punishable under Sections 341, 342 & 307/34 of the Indian Penal Code but subsequently Section 302 IPC was added and Section 27 of the Arms Act.

The allegation against the petitioner is that he surrounded the sons of the informant and co-accused Nimesh Kumar @ Karu fired causing injury to his son. It is further alleged that co-accused Awadhesh Kumar @ Munnu and Awadh



Kishore Singh also fired but no injury was caused to his another son. The reason behind the occurrence is said to be old grudge.

It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The informant is an antisocial element and just after release from jail, the alleged occurrence took place due to rivalry. It is also submitted that the statement of the deceased was recorded on 18.06.2020 but he has not made any specific allegation against the petitioner that goes to suggest that the petitioner is innocent. The petitioner has been languishing in custody since 31.10.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, 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 Court below where the case is pending/successor Court in connection with Barh P.S. Case No.201 of 2020, subject to the



following conditions :

(1) that one of the bailors will be a close relative of the petitioner, who will give 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 will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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