

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30863 of 2021**

Arising Out of PS. Case No.-301 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

HEMANT KUMAR Son of Sri Mahesh Prasad Singh Resident of Village -
Jarang Rampur, P.S.- Belsar O.P. Vaishali, District - Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajay Thakur, Advocate

For the Opposite Party/s : Mr.Atul Chandra, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 25-11-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Sadar P.S. Case No. 301 of 2020 registered for the offences punishable under Sections 307, 120(B)/34 of the I.P.C. and Section 27 of the Arms Act.

The informant Vaibhav Mishra alleged in the FIR that on 03.06.2020 at about 10:30 PM, while he was walking inside the compound wall of his house, two persons riding on a motorcycle fired at him with intent to kill but he escaped unhurt. The reason behind the incident is that the informant had lodged



a complaint against the petitioner, one Mithilesh Singh and Golu Thakur to this effect that on his mobile they gave threatening from jail and demanded rupees two lacs as extortion otherwise he and his family members will be killed.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. As a matter of fact, no such occurrence as alleged in the FIR has taken place. Learned counsel further submits that petitioner was working as an R.T.I. activist and that is the reason of false implication of the petitioner in the present crime. Petitioner is in custody since 17.06.2020 in connection with present case. Petitioner carries 14 criminal antecedent.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Sadar P.S. Case No. 301 of 2020, subject to the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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