

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47245 of 2021

Arising Out of PS. Case No.-317 Year-2019 Thana- BANIAPUR District- Saran

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1. PANKAJ KUMAR SINGH S/o LATE PASURAM SINGH R/o VILLAGE-G.S. BANGRA, P.S.- JALALPUR, DISTRICT-SARAN.
 2. PRINCE KUMAR SINGH @ MUNNA SINGH S/o LATE NAVIN SINGH R/o VILLAGE-G.S. BANGRA, P.S.- JALALPUR, DISTRICT-SARAN.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vipin Kumar Singh, Adv.
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Baniyapur P.S. Case No. 317 of 2019 registered for the offence under Sections 341, 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution, the informant sustained firearm injury on his left arm upon firing made by one Pappu



Kumar Singh. The petitioners are stated to be in association of said Pappu Singh.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. In fact, the alleged occurrence is said to have taken place on 23.09.2019 whereas the instant F.I.R. has been instituted on 17.10.2019 after lapse of twenty three days without explaining the plausible delay which itself creates doubt over the prosecution version. Apart from that, the specific allegation of firing is attributed one Pappu Singh as a result of which, the informant is said to have sustained bullet injury but the injury report, which is at Annexure-2, manifests that the same has been prepared on 22.05.2020 by the Medical Officer, PHC, Jalalpur after lapse of more than one and half years from the date of occurrence i.e. 23.09.2019. The injury report does not corroborate with prosecution case in any way and also falsifies the entire prosecution version. So far as allegation leveled against the petitioner No.1 is concerned, he is said to have instigated the petitioner No.2 who has fired upon the informant but no one sustained any firearm injury. The petitioners are rotting in custody since 27.03.2021 and 31.03.2021, respectively.



Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that though the petitioner No.2 is of clean antecedent, petitioner No.1 Carries three more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Baniyapur P.S. Case No. 317 of 2019 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case



at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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