

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37059 of 2020

Arising Out of PS. Case No.-73 Year-2020 Thana- ADAPUR District- East Champaran

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MOJIBUR RAHMAN SON OF KAMARUL HODA RESIDENT OF
VILLAGE- UCHHIDIH, P.S.- ADAPUR (HARPUR), DISTRICT- EAST
CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anshuman Singh, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 18-03-2021 Heard Mr. Anshuman Singh learned counsel for
the petitioner and Mr. Ram Priya Sharan Singh, learned
APP for the State.

The petitioner seeks bail in connection with
Adapur (Harpur) P.S. Case No. 73 of 2020 dated
06.03.2020 instituted for the offence under Section 307
of the Indian Penal Code and Sections 25(1-b)a/26/27
of the Arms Act.

It has been alleged by the informant that in a
feast where the informant had visited, the petitioner also
was present from before. On seeing the informant, the
petitioner is said to have fired from behind but somehow
or the other, the informant saved himself by ducking the
shot. The shot fired by the petitioner is said to have hit
two of the persons who have received injuries in their



hand and leg respectively.

Learned counsel for the petitioner has submitted that from the FIR itself, it would appear that the petitioner had never intended to harm the two injured persons.

He is said to have been arrested by the villagers while he was running away with his firearm weapon. In response to the aforesaid accusation, Mr. Singh learned Advocate for the petitioner has submitted that because of the earlier dispute between the petitioner and the informant regarding PACS elections and on the exhortation of the informant, the villagers who had assembled at the feast wrongly made attempts to apprehend the petitioner but the story propounded by the informant was taken to be correct at that time.

The injury report of the two victims was available before the court below but the opinion regarding the nature of such injury was reserved for further analysis.

Taking into account the fact that the petitioner is in custody since 09.03.2020, this Court is inclined to grant bail to him subject to certain conditions.

The petitioner is directed to be released on bail on his furnishing bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to



the satisfaction of the learned Sub-Divisional Judicial Magistrate, Raxaul in connection with Adapur (Harpur) P.S. Case No. 73 of 2020.

The release of the petitioner shall be subject to the conditions noted hereinafter:

One of the bailors of the petitioner shall be his close relative.

The petitioner shall not absent himself from the trial proceedings on two consecutive occasions without seeking prior permission of the trial court. Should he do so, the trial court will proceed for cancellation of his bail.

The petitioner shall not tamper with the evidence or shall intimidate any witness or shall do anything to impede the pace of trial. Should he be found doing so, it would be open for the Investigating Officer of this case to file a suitable application before the trial court for cancellation of his bail.

While furnishing bail bonds, the petitioner shall give his mobile telephone number as well as the mobile telephone numbers of his bailors, which shall be kept in operative condition.

The petitioner shall also get his presence marked before the officer-in-charge of the concerned police station once every month, preferably on the first Monday. The officer-in-charge of the concerned police



station shall not unnecessarily make the petitioner wait in the police station and shall immediately record his presence on his visiting the police station.

The petition stands disposed of with aforesaid directions/observations.

(Ashutosh Kumar, J)

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