

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39205 of 2020

Arising Out of PS. Case No.-125 Year-2020 Thana- BUNIYAD GANJ District- Gaya

PRAGESH RAJ @ PRAGYASH RAJ @ CHINTU TIWARI @ CHINTU
SON OF BALGOVIND TIWARI RESIDENT OF GOPAL PANDEY LANE,
P.S.- BUNIYADGANJ, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli
	:	Mr.Prince Kumar Mishra
For the Opposite Party/s	:	Mr. Navin Kumar Pandey
For the Victim	:	Mr. Upendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 01-06-2021 Heard Mr. Mrigank Mauli, learned counsel for

the petitioner and Mr. Upendra Kumar Singh, learned

counsel for the victim (Uttam Kumar). The State is

represented by Mr. Navin Kumar Pandey, learned APP.

The petitioners seek bail in anticipation of his

arrest in connection with Buniyadganj P.S. Case No. 125

of 2020 instituted for the offences under Sections 147,

148,149, 341, 323, 324, 307 and 504 of the Indian

Penal Code and Section 27 of the Arms Act.

According to the First Information Report

lodged by one Sanjeet Kumar Verma, it has been



alleged that he along with one Uttam Kumar was waylaid and on protest, firing was resorted to at Uttam Kumar, as a result of which he fell down. Two to three rounds of firing was again resorted to by the accused persons. The informant has alleged that somehow or the other, he could manage to reach the police station and inform the police about the occurrence. Uttam Kumar, according to the First Information report had been receiving treatment at J.P.N. hospital. The F.I.R, therefore, was lodged against 10 to 12 unknown accused persons.

Learned counsel for the petitioner has submitted that he has been named in the statement of Uttam Kumar perhaps out of confusion as the petitioner had been passing through the road when the occurrence had taken place. The petitioner is not at all associated, it has been urged, with any other accused person who is sought to be prosecuted in this case. It has also been submitted on behalf of the petitioner that Uttam Kumar has attributed the role of firing which hit him to one



Tinku Singh and has also stated that one Manoj Singh had fired gunshots in the air. On being questioned about his antecedents, learned counsel for the petitioner has drawn the attention of this Court to paragraph -3 of the bail petition, which indicates that the petitioner was earlier made accused in a case vide Buniyadganj P.S. Case No. 86/14 for offences under Sections 341, 323, 379, 504/34 of the Indian Penal Code in which he has been granted bail. He has further submitted that Manoj Singh, who is said to have opened fire in the air has been granted anticipatory bail by this Court .

Mr. Upendra Kumar Singh, learned counsel for the victim (Uttam Kumar) has submitted that when the application of Manoj Singh was being argued, even though he was linked to the Court proceedings, he was muted and, therefore, he could not place all the points before the Court.

This court has not taken the aforesaid statement of Shri Upendra Kumar Singh happily for the



reason that he may be correct in stating that he could not be heard on that date. But blaming the Court staff of having muted him while he was still online does not appear to be correct. Even today, Mr. Upendra Kumar Singh was visible but he was not audible as he had himself switched off the microphone. Only on being reminded that he has to unmute himself so that the Court could hear him, he has unmuted his microphone.

When this was pointed out to Mr. Upendra Kumar Singh that he should not have unnecessarily raised complaint against court staff while making submissions before the Court, he promptly withdrew such statement. This court leaves the aforesaid issue at this.

In any view of the matter, considering the fact that the victim has, though named the petitioner as one of the accused persons, who was present at the time of the occurrence but has not attributed the role of firing to him even in the air, this Court is inclined to grant



anticipatory bail to him.

The petitioner, above named, is directed to be released on bail in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order on furnishing bail bonds of Rs. 10,000/- (Rs. Ten Thousand) each with two sureties of like amount to the satisfaction of learned Additional Chief Judicial Magistrate-VIII, Gaya, in connection with Buniyadganj P.S. Case No. 125 of 2020, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

Mr. Upendra Kumar Singh, learned counsel for the victim has further submitted that an attempt has been made by the accused persons to pressurize the informant and other witnesses to compound the case. When this was done, the informant and the victim promptly reported this matter to the police and had also filed an application before the concerned court.



The petitioner is cautioned that in future if at all there is any complaint with any tangible evidence that he is trying to tamper with the evidence or making attempts to intimidate the informant or the witnesses, his anticipatory bail would be liable to be cancelled.

In that event the informant /victim shall be at liberty to approach the Court for cancellation of his anticipatory bail.

(Ashutosh Kumar, J)

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