

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5596 of 2021**

Arising Out of PS. Case No.-75 Year-2019 Thana- BALIGAON District- Vaishali

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RAVINDRA KUMAR S/O ARBIND SINGH @ ARBIND KUMAR SINGH
RESIDENT OF VILLAGE KHILWAT @ KHILVAT, PS BIDUPUR,
DISTRICT-VAISHALI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satish Kumar Sinha, Adv.

For the Opposite Party/s : Ms. Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 28-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

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

Petitioner in the present case is seeking regular bail in connection with Baligaon P.S. Case No.75/2019 registered for the offences punishable under Sections 341, 342, 323, 307, 379, 414 and 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution story the informant Mithilesh Kumar lodged a written report with Baligaon police station stating therein that his wife Bbhibha Kumari had illicit relation

with one Rabindra Kumar (petitioner) and she lived with him. It is further alleged that earlier also about one year back she was fled away with one Sanju Rai along with ornaments for which an informatory petition was filed before the learned Chief Judicial Magistrate and since then she was living in her maik. It is further alleged that on 31.07.2019 at about 8.30 am the informant came to the maik of Bhibha kumari for performing Bidai then all the accused persons started assaulting him and this petitioner had fired from his pistol upon the informant. It is further alleged that the informant somehow saved him and fled away from the village.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that although in the First Information Report there is an allegation that this petitioner had fired from his pistol but no fire-arm injury has been caused to anybody. It is submitted that the petitioner is in custody in connection with this case since 07.03.2020.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this Court has noticed the submission of learned

counsel for the petitioner that although in the First Information Report there is an allegation that this petitioner had fired from his pistol but it is his submission that no fire-arm injury has been caused to anybody, learned APP for the State having gone through the case diary confirms that in the case diary nothing has come about any injury to the prosecution side by any fire-arm, the further submission that the petitioner is being framed in several cases because he had earlier lodged a case against the police official, the co-accused Bibha Kumari has been granted bail in Cr.Misc.No.9529/2020, the petitioner himself has been granted bail in some of the cases stated in paragraph '3' of the present application and the copy of the orders passed in some of the cases have been brought on record, in connection with the present case the petitioner is in custody since 07.03.2020, investigation against him is complete but the trial is not likely to take place in near future, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali, Hajipur in connection with Baligaon P.S. Case No.75/2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.