

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7139 of 2021**

Arising Out of PS. Case No.-302 Year-2020 Thana- BARAUNI District- Begusarai

CHANDRASHEKHAR KUMAR Son of Yogendra Ray Resident of Village-
Ganga Prasad, P.S.- Barauni (Chakia O.P.), Distt- Begusarai.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai, Advocate.

For the Opposite Party/s : Mr. Narendra Kr. Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 28-04-2021 Learned Counsel for the petitioner undertakes to
remove all the defects pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Narendra Kumar Singh, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Barauni Chakia P.S. Case No. 302 of
2020 registered for the offences punishable under Sections 341,
323, 307, 504 of the Indian Penal Code and Sections 25(1-
b)a/26/27 of the Arms Act.

Learned counsel for the petitioner submits that as per
the prosecution story, an altercation has taken place between the
informant Kush Kumar Ray and the petitioner Chandrashekhar
Kumar for parking motorcycle in front of informant's house.



When he asked the petitioner to remove his motorcycle from there, petitioner assaulted him and brought country made musket from his house and fired on informant but it missed. In the meantime, villagers were assembled and caught him and handed over to the Police with musket. On search three live cartridges were recovered from his pocket.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there is no recovery from the possession of this petitioner. The petitioner is in custody in connection with the present case since 16.08.2020.

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

Having regard to the facts and circumstances of the case, wherein it is the submission of learned counsel for the petitioner that both the petitioner and the informant are close door neighbors and the dispute had taken place on a petty issue of parking of the motorcycle, though the allegation is that of firing but no firearm injury has been caused to the informant and further that the arms and two live cartridges were allegedly handed over to police by the informant and it was not seized from the conscious possession of the petitioner, the petitioner



has remained in jail in connection with this case since 16.08.2020 and in one case on his head he is on bail, considering the nature of the allegation, the materials and the period already spent by the petitioner in jail and the investigation being complete, this Court directs release of the petitioner above named on bail on furnishing of bail bonds 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, Begusarai in connection with Barauni Chakia P.S. Case No. 302 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/Sonali/-

U		T	
---	--	---	--

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'.

