

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10516 of 2021**

Arising Out of PS. Case No.-449 Year-2019 Thana- BAIRIYA District- West Champaran

RAJA KUMAR SAH SON OF MANIB SAH @ MANISH SAH VILLAGE
CHHARDWALI BHEDIHARI TOLA PS SATHI DISTRICT WEST
CHAMPARAN

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey,Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh,APP

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

2 21-05-2021 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. Uday Pratap Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Bairiya P.S. Case No. 449 of 2019 registered for the offences punishable under Sections 307, 504, 34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that as per the prosecution story which is based on fardbeyan of the informant Vijay Kumar stating that on 24.12.2019 at about 6:30 PM he was returning to his house on his motorcycle after closing his shop and when he reached near Balua Chamar Toli, two persons abusing each other on a motorcycle having no registration number crossed him. When the



informant asked them about the abusing then the pillion rider of the said motorcycle opened fire upon the informant as a result of which informant sustained injury over his thigh and fell down and the accused persons fled away from there. He informed his family members on mobile with the help of passerby and thereafter he was brought to MJK Hospital for treatment.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner is not named in the FIR, his name has transpired in the confessional statement. The petitioner is in custody since 12.03.2020 but till date he has not been put on test identification parade.

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 the petitioner is not named in the FIR, the allegation is that the pillion rider of the motorcycle has opened fire and caused firearm injury over the thigh of the informant, so far as the present petitioner is concerned, he has been implicated in this case after his implication in Bairiya P.S. Case No. 03 of 2020 on the basis of a confessional statement and save and except that confessional statement recorded in police custody there is no other material against the petitioner to connect him with the present case, he is in custody since 12.03.2020



but till date he has not been put on test identification parade, considering the entirety of the case and the period of custody already spent by the petitioner as also that in the case against him he is on bail as stated in paragraph '3' of this petition, 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 A.C.J.M.-I, Bettiah, West Champaran in connection with Bairiya P.S. Case No. 449 of 2019, 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/-

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'.

