

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2301 of 2022

Arising Out of PS. Case No.-246 Year-2007 Thana- BAKHTIYARPUR District- Patna

Purushottam Kumar @ Purushottam @ Tantan, Son Of Sri Shashikant Singh
R/O Village- Sherpur Naruali, P.O.- Karauta, P.S.- Bakhtiyarpur And District-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Griyaghey
For the Opposite Party/s : Mr. Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 07-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Bakhtiyarpur P.S. Case No. 246 of 2007, registered for the

offences punishable under Sections 302, 326 and 34 of

Indian Penal Code, 1860 and Section 27 of the Arms Act.

The prosecution case as emerges from the FIR is

that the petitioner along with other co-accused were

attempting to commit rape, upon one Nitu Kumari, sister of

the informant and when the informant and the deceased

tried to rescue the sister of the informant, the petitioner and

the co-accused attacked the deceased and the informant,



resulting into death of deceased and injury on the palm of the informant when he tried to defend himself against the assault by knife.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that two FIR for the same occurrence has been lodged. The present FIR has been lodged for offences punishable under Sections 302, 326 and 34 of IPC whereas the other FIR has been lodged for offences punishable under Section 376 read with Section 511 and other allied Sections of I.P.C. He further, submits that the petitioner has got bail in the another FIR lodged for offence petitioner under Section 376 read 511 of IPC. He further submits that the petitioner has been languishing in jail since 24.12.2020. He further, submits that even as per the allegation in the FIR, the informant has sustained injury only on the palm, caused by the present petitioner, which has been found to be simple in nature. He also submits that had he any intention to kill him, he could have attacked in different way. The investigation in this case is complete and



charge-sheet has already been submitted.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner has been made accused in one more case, namely, Bakhtiyarpur P.S. Case No. 246 of 2007.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail submitting that the alleged offence is serious in nature and there is sufficient material against him in support of the prosecution case.

Considering the aforesaid facts and circumstances, particularly the period of custody and the nature of injury caused by him, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. ACJM 1st, Barh in connection with Bakhtiyarpur P.S. Case No. 246 of 2007 on



the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent other than disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is



wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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