

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2492 of 2022

Arising Out of PS. Case No.-94 Year-2020 Thana- JURAWANPUR District- Vaishali

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Chandan Rai @ Chandan Kumar, Son Of Akhilesh Rai Resident Of Village-
Shiv Nagar Bishram Tola, P.S.- Jurawanpur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Satyendra Narayan Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 07-11-2022

Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner seeks bail in connection with
Jurawanpur P. S. Case No. 94 of 2020, registered for the
offences punishable under Sections 341, 323, 307, 147, 148
and 149 I.P.C. and under Section 27 of the Arms Act.

The prosecution story as emerging from the FIR is



that on 21.08.2020 at about 02.00 P.M., the informant's husband went to Binda Market to purchase articles on the occasion of "Teej". During course of returning home, when the informant's husband reached near Jogi Baba Math, indiscriminate firing was made on him by the petitioner and his associates, due to which he sustained fire arm injuries over his hand and in the stomach.

The learned counsel for the petitioner submits that the petitioner is innocent and falsely been implicated in this case. Even FIR is not persuasive in view of the fact that there is no mention of circumstances in which transaction is committed and how the accused have played their role in commission of the offence. There is direct allegation of injury caused by different accused persons including the petitioner. As per the allegation, the present accused petitioner caused fire-arm injury in his hand. He further submits that as per report there is no fire-arm injury on the hand of the alleged victim. He further submits that similarly situated co-accused Umesh Rai, and Akhilesh Rai and Ranjeet Rai have been enlarged on bail by co-ordinate Bench



of this Court vide order dated 06.12.2021, passed in Cr. Misc No. 27790 of 2021.

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 no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer for bail saying that the alleged offence is serious in nature.

Considering the aforesaid facts and circumstances 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. A.C.J.M, IX, Hajipur in connection with Jurawanpur P. S. Case No. 94 of 2020 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, 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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