

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4429 of 2022

Arising Out of PS. Case No.-419 Year-2019 Thana- BARH District- Patna

RAVI KUMAR @ RAVI SINGH @ RAVI RANJAN KUMAR S/o- SATISH
SINGH Resident of Village- Bichali Malahi, P.S.- Barh, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tej Narayan Singh, Adv.

For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 23-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Barh
P.S. Case No. 419 of 2019 registered for the offences punishable
under Sections 341, 323, 386, 506, 34 of the Indian Penal Code
and Section 27 of the Arms Act.

As per prosecution case, there is allegation against
the petitioner that he made six round firing upon the informant
but the said firing did not hit the informant. It is further alleged
that petitioner assaulted the informant by means of butt of pistol
on the head of informant which hit near his eye. It is further
alleged that petitioner threatened the informant that if advance
money is again demanded, informant will be killed because
advance money has been settled as extortion money.



Learned counsel for the petitioner submits that petitioner is in custody since 26.08.2021 and bears criminal antecedent of ten cases. Learned counsel further submits that charge sheet has been submitted under Sections 341, 323, 504, 506, 34 of the I.P.C. and 27 of the Arms Act. He further submits that alleged Section 386 of the IPC is not made out against the petitioner. Police has not submitted charge sheet under Section 386 of the IPC and other sections of IPC are bailable in nature. He further submits that no firing material was recovered from the place of occurrence and thus Section 27 of the Arms Act is also not applicable in the present case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, nature of allegation, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, no firing material has been recovered from the place of occurrence, as submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Additional Chief Judicial Magistrate-1, Barh, Patna in connection with Barh P.S. Case No. 419 of 2019, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(vi) However, if petitioner violates any of the



conditions, the court below is at liberty to cancel the bail bond
of the petitioner.

(Alok Kumar Pandey, J)

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