

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6261 of 2022

Arising Out of PS. Case No.-768 Year-2021 Thana- SAHARSA SADAR District- Saharsa

Kaushik Anand S/O Manoj Kumar Jha R/o Mohalla- Sarahi Ward No. 5, P.S.
and District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 26-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Saharsa
Sadar P.S. Case No. 768 of 2021 registered for the offence under
Sections 337, 338, 307 and 34 of the Indian Penal Code as well
as under Section 27 of the Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 11.10.2021.

The allegation against the petitioner is to open firing
upon informant, causing multiple fire arm injuries, having
intention to cause death.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner has falsely implicated in present case on the basis of secret input provided by police spy, where subsequently, self-confession of petitioner was recorded, in furtherance of, which no incriminating material surfaced/recovered, which may connect this petitioner, *prima facie*, with present allegation. It is further submitted that despite of the fact that informant/injured is the eye witnesses of the occurrence, petitioner was not put on TIP, as yet. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that petitioner is not named in F.I.R.

Considering the facts and circumstances as mentioned above, as despite of claim to identify, no TIP was conducted, as yet coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Saharsa Sadar P.S. Case No. 768 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Saharsa/concerned court, subject to the



following conditions:

“(i) That the accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Manoj Kumar Jha, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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