

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6875 of 2022

Arising Out of PS. Case No.-165 Year-2021 Thana- GAYA MUFASIL District- Gaya

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ALOK KUMAR @ CHHOCHA@ CHOCHA Son of Arun Kumar Singh @
Arun Singh Resident of Village - Kalpu Nagar, Janakpur, P.s.- Mofassil,
Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-06-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Mofassil P.S. Case No. 165 of 2021 registered for the offences

punishable under Sections 147, 148, 149 and 307 of the Indian

Penal Code and under Section 27 of the Arms Act.

As per allegation against petitioner is that he along

with 17 others named persons belonging to one group and some

others unknown persons of another group armed with firearms

fired at each other and created an atmosphere of fear and terror.

During investigation some empty shells of the cartridges were

recovered by the police.

Learned counsel for the petitioner submits that petitioner bears criminal history of series of cases in which he is on bail in 16 cases except 2 cases. It has been submitted that there is no specific allegation of either assault or firing upon anybody against the petitioner in this case and none of the person has received any injury in this case. So no case of Section 307 of I.P.C. is made out against the petitioner. It is submitted that petitioner has neither been seen on the spot nor he has been arrested on the spot, nor any incriminating articles or any arms has been recovered either from the conscious possession of the petitioner or from his house. Petitioner has remanded in this case on 25.06.2021 from the other case and as such he is languishing in custody since 25.06.2021. Charge sheet has already been submitted in the case and there is no likelihood of tampering the evidence.

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 as well as there is no recovery from possession of the petitioner, charge sheet has already been submitted and also taking into consideration the material

available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Mofassil P.S. Case No. 165 of 2021, 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 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 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.

(Alok Kumar Pandey, J)

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