

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10301 of 2022

Arising Out of PS. Case No.-539 Year-2021 Thana- SONEPUR District- Saran

Vikram Kumar Son of Shivmangal Sah Resident of Mohalla- Meena Bazar,
Ward No. -18, P.S.- Sonepur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Prabhat, Advocate
For the Informant	:	Mr. Alok Chandra, Advocate
For the Opposite Party/s	:	Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner, learned counsel for the informant as well as learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 307 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, in brief, is that on 13.09.2021 at about 8:00 P.M. the informant was walking after taking dinner. In the meantime, the informant saw that accused Vikram Kumar was quarreling and abusing to one Chandan Kumar and accused took out country made pistol from his waist



and after taking aim fired at Chandan Kumar which hit Chandan Kumar and after crossing him the bullet inserted into the chest of the informant. Receiving the injury, the informant fell down. Hearing gun shot, nearby people gathered and took the injured to the hospital and from there the informant was referred to PMCH for better treatment.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that the occurrence has taken place on 13.09.2021 but the present F.I.R. was instituted on 16.09.2021 and the statement was recorded on 17.09.2021. He further submits that as per allegation as alleged in the F.I.R. that the petitioner fired upon one Chandan Kumar who is brother of the informant and the same bullet hit the informant also. He further submits that the injury report of Chandan suggests that the nature of injury is grievous due to firearm and the injury report of the informant suggests that the injury is simple in nature. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 20.09.2021.

Learned APP for the State as well as learned counsel for the informant have vehemently opposed the prayer for bail



of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sonapur P.S. Case No. 539 of 2021, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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