

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21148 of 2021**

Arising Out of PS. Case No.-124 Year-2020 Thana- SARMERA District- Nalanda

BALAJEE@ PARMANAND KUMAR@PINTU KUMAR SON OF
SHIVCHARAN PRASAD @ SHIVAN PRASAD RESIDENT OF
VILLAGE- GAUSHNAGAR, P.S.- SARMERA, DISTRICT- NALANDA

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Matloob Rab, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 18-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of
the complete start of the physical Court in normal course.

The petitioner, who is in custody since 22.09.2020,
seeks regular bail in connection with Sarmera P.S. Case No. 124
of 2020, for the offence punishable under Sections 307/34 of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that one Murari
Prasad gave his fardbeyan alleging therein that on 22.05.2020,
he had requested the petitioner not to paste advertisement for
which the petitioner along with other accused persons on
24.05.2020 at about 8.30 P.M., assaulted the informant while he
was seen near the house of one Shailesh Kumar. It is the specific



case that the petitioner, namely, Bala Jee @ Parmanand Kumar @ Pintu Kumar fired at the right arm of the informant and other co-accused left the place on seeing the villagers by firing in the air. The informant was taken to the hospital for his treatment by the villagers, where the Doctor found the injury sustained by the informant to be of grievous in nature caused by fire arm.

Learned counsel appearing on behalf of the petitioner submits that from the perusal of the F.I.R. itself, it appears that there was previous enmity due to pasting of advertisement, which led to the incident, however, there is no independent witness to the said incident, which took place near the house of one Shailesh Kumar. He further submits that from the allegation made in the F.I.R. it appears that there is no intention of the present petitioner to kill the informant.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He further submits that petitioner is involved in other cases of similar nature and as such he does not deserve to be released on bail.

Considering the above mentioned facts and circumstances of the case, the evidence on record and taking into consideration the period of custody, the Court below is directed to obtain criminal antecedent report of the petitioner from the concerned Superintendent of Police and if it is found that no other criminal case is pending against the petitioner, as



what has been stated in paragraph No.3 of the present bail application filed on behalf of the petitioner, the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Sarmera P.S. Case No. 124 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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