

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10929 of 2022

Arising Out of PS. Case No.-104 Year-2021 Thana- KHAJEKALA District- Patna

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Prem Kumar @ Prem Raj Shah S/O Ram Prasad R/O Machchharhatta Gali,
P.S.- Khajekalan, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan,Adv

For the Opposite Party/s : Mr.A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-07-2022 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 and learned APP for the State.

Petitioner seeks bail in a case registered for the offence punishable under Sections 307/34 of IPC and Section 27 of the Arms Act.

Allegation against the petitioner is that he shot fire at the chest of the brother of the informant and fled away.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that there is no eye witness of the alleged occurrence and the petitioner has falsely been implicated



in the present case. He further submits that the date of the occurrence as mentioned in the FIR is 30.03.2021 and the present FIR has been instituted on 31.03.2021. He further submits that except the statement of the victim nothing has come during investigation. He further submits that the injury report of the victim suggests that the injury is simple in nature caused by firearm and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 30.08.2021.

Learned A.P.P. for the State has 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/- (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 with Khajekalan P.S. Case No. 104 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/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

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 antecedent, 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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