

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12792 of 2022

Arising Out of PS. Case No.-250 Year-2020 Thana- DESARI District- Vaishali

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ARUN KUMAR RAI @ ARUN ROY Son of Santlal Rai Resident of Village
- Jahangirpur Sam, P.s.- Desari, Distt.- Vaishali (Bihar).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar

For the Opposite Party/s : Mr.Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Desari (Chandpura O.P.) P.S. Case No. 250 of 2020 registered for the alleged offences under Sections 341, 342, 323, 324, 307, 326, 379, 427, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the petitioner and other co-accused persons, variously armed, came and assaulted the informant and his parents. The mother of the informant received a gun shot injury on her stomach on being fired upon by the co-

accused Niraj Kumar. The father of the informant was also assaulted by the co-accused person causing him injuries. The occurrence took place in the back ground of informant reminding co-accused Niraj Kumar for payment of due amount of Rs. 2700/-.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. There is no specific allegation against the petitioner. All the allegations are general and omnibus. The present case has been lodged by the informant to save himself from the case lodged by the present petitioner vide Desari (Chandpur O.P.) P.S. Case No. 276 of 2020 registered under Sections 341, 323, 324 and 34 of the Indian Penal Code. The co-accused Niraj Kumar who allegedly fired upon the mother of the informant was granted anticipatory bail by a Coordinate Bench vide order dated 12.04.2022 passed in Cr. Misc. No 46365 of 2021. Similarly placed co-accused persons have been granted anticipatory bail by another Coordinate Bench vide order dated 17.05.2022 passed in Cr. Misc. No. 48850 of 2021. Charge sheet has been submitted in this case and the petitioner is in custody since 09.01.2022.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is named in the FIR.

Having regard to the submissions made on behalf of the parties and considering the fact that the allegations against the

petitioner are general and omnibus and no specific overt act has been attributed to the petitioner and the injuries are stated to be simple as it appears from the order of the Coordinate Bench and further considering the submission of charge sheet and the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Xvth, Vaishali at Hajipur in connection with Desari (Chandpur O.P.) P.S. Case No. 250 of 2020, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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