

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12528 of 2022

Arising Out of PS. Case No.-209 Year-2020 Thana- SALAKHUA District- Saharsa

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Ranjeet Mahton Son of Rajo Mahton Resident of Village- Sahuria, Hanuman Tola, Ward No. -10, P.S.- Salkhua (Chiraiyan O.P.), District- Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-07-2022 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Salkhua P.S. Case No. 209 of 2020 registered for the offence under Sections 147, 148, 149, 341, 323, 307, 384, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 03.09.2021.

The allegation against the petitioner is to assault the



informant, causing thereby, fire arm injury. The present occurrence took place, as the informant refused to pay the monthly extortion amount of Rs.5,000/- (Rupees Five Thousand) to the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that from face of the F.I.R., it appears that the firing was made jointly with co-accused persons, which hit on the leg of the injured/informant. It is also submitted that the contents of the F.I.R. is suggesting that the fire arm injury was not intentional, rather same was accidental. It is also submitted that the injury caused on the non-vital part of the body, from where it can be safely gathered that petitioner was not under intention to cause death of the informant/injured. It is pointed out that petitioner is involved in one more criminal case, in which he is on bail. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as the allegation of firing is not specific, which further



received, accidentally, by the informant/injured coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Salkhua P.S. Case No. 209 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Saharsa/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.



(iii) That one of the bailors shall be
Sirhanta Devi, who is the mother of the
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

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