

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19737 of 2022

Arising Out of PS. Case No.-106 Year-2022 Thana- KANKARBAG District- Patna

Sudhanshu Raj @ Sudhanshu Son Of Sri Manoj Kumar, Resident Of
Tarkeshwar Math Chauraha, Mohalla- Chiraiyatar, P.S.- Kankarbagh, District-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Kankarbagh P.S. Case No. 106 of 2022 lodged under Sections
307, 326, 354, 323, 504 and 506/34 of the Indian Penal Code
read with Section 27 of the Arms Act.

As per the prosecution story, the informant used to run
a tea stall with his wife. The petitioner visited of his tea stall and
hot discussion taken place with his wife, due to which the
petitioner has slapped the wife of the informant, then he went
away from the place of occurrence. It has been specifically
alleged that after 15 minutes, three persons visited to the tea
stall on motorcycle and one of them fired on the informant, as a

result he become badly injured. As such, the present case has been filed in which all three persons named after confessional statement of the petitioner himself.

Learned counsel for the petitioner submits that the F.I.R. itself is in two parts. After going through the entire F.I.R., the only specific allegation against the petitioner is that he has slapped the wife of the informant. The allegation of firing is in the 2nd part of the F.I.R. and it is not against the petitioner. Learned counsel further submits that petitioner is in custody since 09.02.2022, charge sheet has already been filed and his antecedent is clean. Nothing has been recovered from his possession, therefore, arms act is not attracted. He further submits that whatever be the allegation on the basis of which, made in the F.I.R., but at worst allegation of 323 and 504 of the I.P.C. is only made out, which are bailable in nature.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Patna in

connection with Kankarbagh P.S. Case No. 106 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

One of the bailors shall be the close relative of the petitioner, who shall file an affidavit about his relation with the petitioner.

With this observations, the bail application is allowed.

(Dr. Anshuman, J.)

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