

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29651 of 2021

Arising Out of PS. Case No.-548 Year-2020 Thana- LAHERIYASARAI District- Darbhanga

Chandan Ray @ Chandan Kumar Ray S/O Surendra Ray Resident Of Village-
Nag Mandir, Khanka Chauk, P.S.-TOWN, District-Darbhangha.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. D. K. Sinha, Sr. Advocate Mr. Kedar Jha, Advocate
For the Opposite Party/s	:	Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

8 25-04-2022 The applicant is accused in Crime No. 548 of 2020 registered with Laheriasarai Police Station for the offences punishable under Sections 326/307 read with Section 34 of the Indian Penal Code as well as Section 27 of the Arms Act. By this application he is seeking his release on bail after filing of the charge sheet during pendency of the trial. He is behind bar from 03.11.2020.

Heard the learned counsel appearing for the applicant/accused as well as learned Additional Public Prosecutor appearing for the State.

On behalf of the applicant it is contended that the alleged victim of the crime in question is a person having chequered criminal antecedents and is known for the



implicating nuisance in the crimes. It is further argued that the applicant was not even known to the first informant and to that effect the first informant had sworn an affidavit. It is further argued that in the light of this position so also the injury reports of the victim no further pretrial detention of the applicant is warranted.

The learned Additional Public Prosecutor opposed the application by contending that the crime in question is serious and the applicant is not entitled for bail.

I have considered the submissions so advanced and also perused the materials placed before me.

The first informant is Farzan Nasir @ Golu. He is the victim of the crime in question. As per his version regarding the incident, on 31.10.2020 at about 8:30 PM he along with his friends were talking at Bhigo Square. At that time four persons came on two motorcycles. Two of them fired bullets from a close distance at him. The first informant named those persons as applicant Chandan Ray and Md. Ricky. He alleged that his hands were injured in the incident.

Report of medical examination of the first informant shows that he had gun shot injury at his left arm so also at the left side of his chest. It is reported that the first informant is



already discharged from the hospital long back and there is no possibility of offence travelling to a more serious one than under the provisions of Section 307 of the Indian Penal Code.

Along with the supplementary affidavit, the applicant has placed on record copy of duly sworn affidavit of first informant Farzan Nasir @ Golu. It is seen from that copy that first informant Farzan was duly identified by an advocate and the affidavit was sworn before the Notary Public at Darbhanga. In the said affidavit, the first informant has stated that when he was in the jail he met applicant Chandan Ray and noticed that the applicant is not the person who has fired a bullet at him. Thereafter, during pendency of this case it appears that the Investigating Officer has recorded a supplementary statement of the first informant wherein he stated that the present applicant had put pressure on him and took signature in Hindi which later on converted into the affidavit.

The first informant is reportedly recovered fully. He, as seen from the counter affidavit filed by the State, is having chequered criminal antecedent. He modulated his version during pendency of the instant application. The applicant is behind bar from 03.01.2020.



In this view of the matter, after completion of investigation further pretrial detention of the applicant is not warranted and, therefore, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 548 of 2020 registered with Laheriasarai Police Station be released on bail on executing P.R. bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the



instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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