

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23292 of 2022

Arising Out of PS. Case No.-296 Year-2020 Thana- KALYANPUR District- Samastipur

Rajnish Kumar @ Pheku Son of Late Sita Ram Thakur Miya Resident of
Village - Singhiya, Police Station - Kalyanpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Singh, Advocate
	:	Mr. Pravin Kumar, Advocate
For the State	:	Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

7 14-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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
Kalyanpur P.S. Case No. 296 of 2020 registered for the offence
under Sections 307, 120B and 34 of the Indian Penal Code,
Section 27 of the Arms Act and Section 37(C) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 03.12.2020.

The allegation against the petitioner is to cause fire
arm injury on the head of the injured/son of the informant, due



to long standing land dispute, having intention to cause death.

Learned counsel appearing on behalf of the petitioner submitted that considering the statement of injured itself, it appears that petitioner was in drunken condition and, thus, it can be safely gathered that he was not in a position to understand the gravity of his act and as so it may safely suggest that petitioner was not under intention to cause death of the injured. It is submitted that the land dispute is admitted position and, therefore, false implication cannot be ruled out. It is further submitted that the report of X-Ray and of NCCT brain were not made available during investigation, where nature of injury was simple. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, 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, while opposing the prayer of bail, submitted that the alleged gunshot is on the vital part of the body but fairly conceded the fact that petitioner was in drunken condition.

In view of the facts and circumstances, as mentioned above, and by taking note of the accusation, as stated above,



where petitioner is in custody since 03.12.2020 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 Kalyanpur P.S. Case No. 296 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 Sessions Judge-II-cum-Special Judge, Excise Act, Samastipur, District- Samastipur/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
Sonam Devi, who is the sister of the
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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