

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23724 of 2022

Arising Out of PS. Case No.-165 Year-2021 Thana- SULTANGANJ District- Bhagalpur

Md. Ersad @ Bechan @ Bechna S/o Late Md. Hasim Resident of Village-
Milky Mohalla, Balughat Road, P.S.- Sultanganj, District- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Advocate.

For the Opposite Party/s : Mr. Arun Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-07-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Sultanganj P.S. Case No. 165 of 2021 lodged under Sections
341, 307, 34 of the Indian Penal Code read with Section 27 of
the Arms Act.

As per the prosecution case, the informant is a worker
in a sweet shop, on 25.07.2021 at about 2.30 p.m. when he went
to a nearby *Chai Pan* shop the petitioner was standing outside
and demanded *Khaini* from him during which the co-accused
fired on the informant but failed then the petitioner took the
pistol from him and shot on informant in the left side of his

chest. The petitioner bleed heavily and loss consciousness. Mother of the informant brought him to hospital, thereafter, he filed this case.

Learned counsel for the petitioner submits that the entire prosecution story is false due to the reason that the allegation made in the F.I.R. and the injury which is Annexure-2 are not supporting each other. The injury indicates that there was swelling and bleeding from left arm and nature of injury is simple. Learned counsel for the petitioner further submits that petitioner is in custody since 12.09.2021 having clean antecedent.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Bhagalpur in connection with Sultanganj P.S. Case No. 165 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall

appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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