

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33224 of 2021

Arising Out of PS. Case No.-317 Year-2019 Thana- BANIAPUR District- Saran

Rameshwar Singh @ Ramishwar Singh Son of Late Dhrupnath Singh @
Dhupnath Singh Resident of Village- Rampur, P.S.- Madhaura, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-06-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 341, 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, in short, is that on 23.09.2019 informant along with one Anuj Kumar were going to Chapra on Alto Car and when they reached near Chetan Chapra More, then the accused persons followed them and at a road breaker they took side and stopped their motorcycles ahead their car. They were having arms in their hand. Co-accused Pankaj Kumar Singh



ordered to shoot on which co-accused Munna Singh fired at him but the pillet crossed from above the car. Then co-accused Pappu Singh fired which hit on the left arm of the informant breaking the glass of the car. The driver of the car speedily drove the car and brought the informant at P.H.C. Jalalpur from where seeing his condition precarious, he was referred to Sadar Hospital, Chapra.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that the date of occurrence as alleged in the F.I.R. on 23.09.2019 but the present F.I.R. was instituted on 17.10.2019, that is delay of 23 days and there is no explanation of delay. He further submits that it appears from the F.I.R. itself that there is no allegation of overt act or assault against the petitioner and the allegation of firing against co-accused namely Munna singh and Pappu Singh.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Baniyapur P.S. Case No. 317 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Ibrar//-

U		T	
---	--	---	--

