

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25774 of 2022

Arising Out of PS. Case No.-548 Year-2020 Thana- BARHARA District- Bhojpur

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Sriram Bind @ Choli @ Ramchandra @ Choli Bind(M), aged about 23 years,
Son of Kashinath Bind @ Kashinath Bin @ Kashi Nath Mahto, Resident of
village- Chatar, P.S.- Barahra, District- Bhojpur, Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikram Deo Singh, Advocate
For the State : Mr. Mukeshwar Dayal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-08-2022 Heard Mr. Vikram Deo Singh, learned counsel

appearing on behalf of the petitioner and Mr. Mukeshwar Dayal,

learned APP for the State.

Petitioner, who is in custody since 16.12.2020, seeks
regular bail in connection with Barahara P.S. Case No. 548 of
2020 dated 14.12.2020 registered for offences punishable under
Sections 307, 353, 420/34 of the Indian Penal Code and
Sections 25(1-B)a,26, 27, 35 of the Arms Act.

Prosecution story in brief is that the petitioner along
with other persons was attending *sradh* ceremony of one Sukul
Rai. The police force also came there and on seeing the police
force, some of the miscreants started fleeing away from the
place during which police shot on the right thigh of the



petitioner. Petitioner was apprehended on the spot.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he had gone to attend *sradh* ceremony of one of his close relatives in which some miscreants were present. The petitioner became the victim of the police firing and because of some criminal cases are pending against him, he has been made accused in the present case. Petitioner is in custody since 16.12.2020. He further submits that petitioner will abide by any terms and conditions imposed by this Court. On these grounds, petitioner seeks to be released on bail.

Learned A.P.P., for the State has vehemently opposed the prayer for grant of bail to the petitioner. He submits that from paragraph no. 3 of the present bail application it appears that petitioner is a history-sheeter and it will not be in the interest of society to release the petitioner on bail.

Having considered the rival submissions of the parties, materials available on record, charge-sheet has already been submitted and there is no likelihood of trial being concluded in near future, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of



the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Barahara P.S. Case No. 548 of 2020 dated 14.12.2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The petitioner shall give an undertaking and execute bond not to indulge in any illegal activity. Any violation of the terms and conditions of the undertaking or the bond shall lead to cancellation of his bail bonds.

(vi) The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph



no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

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