

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26440 of 2022

Arising Out of PS. Case No.-186 Year-2021 Thana- GAUNAHA District- West Champaran

DEEPAK RAM SON OF JAGDISH RAM R/O VILLAGE- SAKHUNIA,
TOLA- FULWARIA, P.S.- SHIKARPUR, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-12-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 149,
323, 324, 379, 504, 506 of I.P.C and Section 27 of Arms Act.

According to prosecution case, in brief is that on
08.09.2021 at about 10:00 p.m. when the petitioner along with
his friends was going to Belsandi to brought medicine for his
grandfather. The informant has alleged that when he reached
there all the F.I.R named accused persons including the
petitioner armed with deadly weapons along with 3-4 unknown
persons came there and started abusing him. When the



informant protested then the accused persons started assaulting him with knife, *Lathi* and *Danda* due to which he became injured. On the order of co-accused Munni Lal the accused petitioner fired from his Pistol upon the informant but he narrowly escaped. Upon hearing the sound of fire nearby villagers gathered and save the informant and also took him hospital for treatment. It has further been alleged that during the course of assault the co-accused Sashi Ram snatched Rs. 5000/- from the pocket of the informant. The informant has sustained injuries on several body parts and his middle finger of his left hand was also fractured.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that there is case and counter case between the parties and petitioner is also sustained injury during the course of the occurrence. He further submits that the allegation against the petitioner that he fired upon the informant but the injury report of the informant suggests that there is no fire arm injury. He further submits the allegation against the petitioner is false and fabricated.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.



Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Gaunaha P.S. Case No. 186 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the 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 witnesses, 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)

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