

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36335 of 2021

Arising Out of PS. Case No.-346 Year-2020 Thana- GAURICHAK District- Patna

Nitish Kumar Son of Suresh Singh Resident of Niyamat Chak, P.S.-
Gaurichak, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashi Kumar Sharma

For the Opposite Party/s : Mr. Satya Nand Shukla, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Gaurichak P.S.
Case No. 346 of 2020 registered for the offences punishable
under Sections 341, 323, 379, 307, 324 of the Indian Penal Code
read with Section 27 of the Arms Act.

According to prosecution case, informant alleging
therein that the brother of the informant alongwith his nieces
proceeded to Gopalpur, in laws house of the informants and
when they reached near the village Raiganj then they found that
his co-villager was having altercation with the petitioner due to



dash being given by their motorcycles. It is further alleged that brother of the informant tried to pacified to the matter but the petitioner is alleged to have called upon three unknown persons from one of them petitioner took pistol and made fired firing which hit the two arms of the informant brother they also alleged to have taken away Rs.20,000/- cash from the pocket of the informant's brother.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that there was no intention to kill the brother of the informant. He further submits that the informant is the eye witness of the occurrence. He further submits that there is firearm injury but not on the vital part of the body. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 18.12.2020.

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

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on 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 Additional Chief Judicial Magistrate-VI, Patna City in connection with Gaurichak P.S. Case No. 346 of 2020, subject to 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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