

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27382 of 2022

Arising Out of PS. Case No.-104 Year-2022 Thana- SAHPUR District- Bhojpur

Shiv Pujan Rai @ Sheo Pujan Ray Son of Late Bhola Rai @ Late Bhola Ray
Resident of Village - Bahoranpur, Police Station- Shahpur, District - Bhojpur
(Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Purushotam Sharma, Advocate

For the Opposite Party/s : Mr. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Shahpur
P.S. Case No. 104 of 2022 registered for the offence under
Sections 147, 148, 149, 323, 504, 506 and 307 of the Indian
Penal Code and Section 27 of Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.03.2022.

The allegation against the petitioner is to cause
assault, with fire arms alongwith other co-accused, to the
informant with intention to cause death.



Learned counsel appearing on behalf of the petitioner submitted that the dispute is founded over previous enmities. It is submitted that specific allegation of firing is against son of the petitioner. It is submitted that petitioner is 82 years old and a man of clean antecedent. While concluding the argument, it is submitted that chargesheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, fairly conceded that the specific allegation of firing is against the son of the petitioner, namely, Abhishek Kumar.

Considering the facts and circumstances as mentioned above, as the specific allegation of firing is against the co-accused, namely, Abhishek Kumar, who is the son of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Shahpur P.S. Case No. 104 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Bhojpur, subject to the following conditions:

“(i) Accused/Petitioner shall



cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Kamlesh Rai, who is the nephew of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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