

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37309 of 2021**

Arising Out of PS. Case No.-90 Year-2020 Thana- KHIRI MORE District-
Patna

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ARVIND KUMAR Son of Late Nawal Kishore Singh Resident of Village -
Karhekurha, P.S. Khiri More, Dist. - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Alok Kumar Choudhary
For the State : Mr. Syed Ehteshamuddin, APP
For the Informant : Mr. Sunil Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 13-04-2022 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, learned
counsel for the informant and learned APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 341, 323, 307 of the Indian
Penal Code and Section 25(1-b), a/26/35 of the Arms Act.

As per prosecution case, it is alleged by the informant
namely Jitendra Kumar that when he was on the way to his house
and reached near the house of Ramesh Kumar, the petitioner
started firing with his rifle which was missed and again he tried
to fire from his pistol. But the informant held his arm and cried



for help then nearby people came and the petitioner fled away from the place of occurrence.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and in fact the informant was involved in Khiri More P.S. Case No. 62 of 2018 and the petitioner is a material witness in this case. Therefore, the informant has falsely implicated in the present case. Further submits that it appears from the seizure list that no arms has been recovered from the possession of the petitioner but the same has been recovered in front of the house of the informant and police after investigation submitted chargesheet and the petitioner is in custody since 27.12.2020.

Vide order dated 23.02.2022, a report was called for with regard to the stage of the trial. Report reveals that till date only one prosecution witness has been examined and the case is fixed for prosecution evidence.

Learned counsel for the informant as well as learned APP for the State vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, 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 Khiri
More P.S. Case No. 90 of 2020, with 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 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)

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