

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37332 of 2021**

Arising Out of PS. Case No.-28 Year-2021 Thana- BAHADURPUR District- Darbhanga

AADITYA KUMAR BHAGAT Son of Mahesh Bhagat Resident of Village -
Imambari, Dumduma, P.S. - Laheriasarai, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Adv.

For the Opposite Party/s : Mrs. Sangita Sharma, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 23-02-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Bahadurpur P.S. Case No. 28 of 2021 registered for the
offence under Sections 325, 326 and 307 of the Indian Penal
Code and Section 27 of the Arms Act.

The petitioner along with others are said to have
fired upon the informant with intention to kill him as a
result of which the informant sustained gunshot injury on
his leg.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. As a matter of fact, the petitioner had



lodged a case bearing Laherisarai P.S. Case No. 19 of 2021 against the informant and on account of the same, the petitioner has been made accused in this case. He further submits that it is apparent from the F.I.R. itself that no specific allegation of firing is attributed to the petitioner rather the allegation leveled in the F.I.R. is general and omnibus. The petitioner has not played any role in the alleged occurrence. The police has also submitted charge sheet in this case against the petitioner and others. The petitioner is rotting in judicial custody since 01.03.2021.

Learned A.P.P. for the State fairly submits that there is no specific allegation of overt act is attributed to the petitioner and she also submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Judicial Magistrate-1st, Darbhanga in connection with Bhadurpur P.S. Case No. 28 of 2021 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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