

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41259 of 2021

Arising Out of PS. Case No.-151 Year-2021 Thana- BHABHUA District- Kaimur (Bhabua)

Rishabh Kumar @ Prafull, Son of Shyam Narayan Rai, Resident of Village-
Diharama Khurd, P.S.- Sonhan, District- Kaimur at Bhabua. At present
address Chakbandi Road, Ward No.10, P.S.- Bhabua, District- Kaimur at
Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-06-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Rajani Kant Pandey, learned counsel
appearing on behalf of the petitioner and the learned APP for the
State.

The petitioner is apprehending his arrest in connection
with Bhabua P.S. Case No. 151 of 2021 for the offences
punishable under Sections 307, 504/34 of the Indian Penal Code
and Section 27 of the Arms Act.

As per prosecution case, it is alleged that on
20.03.2021 co-accused Chotu Pandey threatened the informant
and after few days i.e. on 23.03.2021 all the accused persons
including this petitioner came at the door of the informant on



two motorcycles and started abusing and co-accused Chhotu Pandey opened fire from his pistol, which did not hit the informant thereafter all the accused persons fled away by showing pistol in their hands.

At the outset, learned counsel for the petitioner submits at the bar that as per his information till date the process under Sections 82/83 of the Cr.P.C. have not been issued.

It is submitted by the learned counsel appearing on behalf of the petitioner that there is no specific allegation against this petitioner. So far the specific allegation of firing is concerned that has been attributed to co-accused Chhotu Pandey and moreover no injury has been caused to the informant and only allegation against this petitioner is that he abused the informant. It is further submitted that this petitioner has no criminal antecedent, but only because he being the friend of others, his name has been implicated in this case.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner has actively participated in the crime.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that there is general and omnibus allegation against this petitioner and



specific allegation has been attributed against another co-accused and moreover no injury has been caused to any one and this petitioner has no criminal antecedent, let the petitioner named above, be released on bail, in the event of his arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Kaimur at Bhabua in connection with Bhabua P.S. Case No. 151 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with the following conditions:

(i) One of the bailors shall be the close relatives of the petitioner.

(ii) The petitioner will cooperate in the investigation as well as in conclusion of the trial.

(iii) He will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(Harish Kumar, J)

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