

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28399 of 2022

Arising Out of PS. Case No.-85 Year-2021 Thana- HASPURA District- Aurangabad

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PHULENDRA SAO SON OF LATE PRERAN SAO RESIDENT OF
VILLAGE- ANKURI, P.S.- GOH, DISTRICT- AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 08-09-2022

Heard learned counsel for the parties

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Hasanpur P.S. Case No. 85 of 2021 for the offences under
Sections 389/384 of the Indian Penal Code and Section 27 of the
Arms Act.

As per the prosecution story, it is alleged that two
persons barged into the residence inside the rice mill and further
asked that why the amount of Rs. 5 lakhs demanded has not
been paid. Later, one of them opened fire on the floor which
rebounded and hit the shoulder of one of his labourer, namely,
Sulendra Rishi. Further allegation is that the miscreants before
leaving took away the mobile set containing two SIM cards.



Accordingly, the present FIR has been lodged.

As per the averment made in the FIR, the name of the petitioner has come into the confessional statement of co-accused, namely, Kamlesh Yadav and Rajesh Yadav and on the basis of the same, the petitioner is in custody since 01.02.2022 (as stated in paragraph-14 of the bail application).

Taking into account the aforesaid facts that his name has come in the confessional statement of co-accused persons, charge sheet stands submitted and he is in jail since 01.02.2022, this Court is inclined to grant him the privilege of bail after framing of charge.

Let the petitioner be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Daudnagar, Aurangabad in connection with Haspura P.S. Case No. 85 of 2021, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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