

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28643 of 2022

Arising Out of PS. Case No.-383 Year-2021 Thana- DIGHWARA District- Saran

RAJA KUMAR S/o Prayag Sharma @ Prayag Mistry Resident of Village-
Manupur, P.S.- Dighwara, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kalyan Shankar, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the offences punishable under Sections 341, 323, 307/34 of the Indian Penal Code and Section 27 of Arms Act.

According to prosecution case, on the basis of written report of one Niraj Kumar on 06.12.2021 regarding this incident of this case and case is that three unknown person came on motorcycle and one of them has fired from country made pistol.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R.



that the date of occurrence as alleged in the F.I.R. is 06.12.2021 and the allegation against the petitioner is that he is an order given to fire upon the informant. He further submits that in fact the petitioner was in judicial custody with regard to Rivilganj P.S. Case No. 163 of 2021. He further submits that the occurrence as alleged in the present F.I.R. is dated 06.12.2021 and the petitioner was in custody since 03.05.2021 in connection with Rivilganj P.S. Case No. 163 of 2021, and vide order dated 21.12.2021 the petitioner has granted bail and remanded in this case on 31.01.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries five criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Dighwara P.S. Case No. 383 of 2021, subject to 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 witnesses, 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)

mdrashid/-

U		T	
---	--	---	--

