

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38149 of 2021

Arising Out of PS. Case No.-218 Year-2020 Thana- MADHUBAN District- East Champaran

Binod Bhagat Son of Rajendra Bhagat Resident of Village - Bhagwanpur,
P.S.- Madhuban, District - East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Neeraj Kumar Alias Sanidh

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 16-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State as well as learned
counsel for the informant in Virtual Court proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Madhuban P.S.
Case No. 218 of 2020 registered for the offences punishable
under Sections 147, 149, 341, 323, 307, 427 and 506 of the
Indian Penal Code read with Section 27 of the Arms Act

According to prosecution case, the informant alleged
that on 26.7.2020 the petitioner alongwith other accused persons
entered his house forcibly, armed with deadly weapons and all
the accused started assaulting the informant and his family



members and on protest, the petitioner opened fire which caused injury on the little finger of the informant.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case only due to land dispute. He further submits that it appears from the FIR that there was no intention or motive to kill the informant. As per allegation, the petitioner opened fire by his gun on his little figure due to which he sustained injury. He further submits that from the injury report it appears that the injury is simple in nature. The petitioner is in custody since 14.3.2021.

The learned Additional Public Prosecutor fairly submits that the nature of injury is simple.

Considering the aforesaid facts and circumstances as well as period of custody, 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 A.C.J.M.-IVth, at Motihari (East Champaran) in connection with Madhuban P.S. Case No. 218 of 2020, 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)

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