

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.41839 of 2021**

Arising Out of PS. Case No.-20 Year-2017 Thana- JURAWANPUR District- Vaishali

Birchand Rai @ Birchandra Rai @ Dipchandra Rai @ Karu Rai S/O Braj
Kishore Rai R/O Village-Shiv Nagar, Jurawanpur Barari, P.S-Jurawanpur,
District-Vaishali At Hajipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.

Mr. Akshansh Ankit, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 15-02-2022 At the outset, learned Senior Counsel for the petitioner submits that in the prayer portion of the petition, the designation of the court has been shown as 8th Additional Chief Judicial Magistrate, Vaishali at Hajipur whereas it should be Additional Sessions Judge-X, Vaishali at Hajipur in Sessions Trial No. 201 of 2018.

Let the prayer portion be allowed to be corrected accordingly.

Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard Mr. Ramakant Sharma, learned Senior Counsel for the petitioner and Mr. Syed Mojibur Rahman, learned APP



for the State.

The petitioner in the present case is seeking regular bail in connection with Jurawanpur P.S. Case No. 20 of 2017 registered for the offences punishable under Sections 341, 323, 324, 325, 307/34, 379, 504 of the Indian Penal Code and Section 27 of the Arms Act. He has got one criminal antecedent and in the said case he is on bail. In the present case, the petitioner is in judicial custody since 15.01.2021.

Mr. Ramakant Sharma, learned Senior Counsel for the petitioner submits that on a bare perusal of the First Information Report, it would appear that the two groups were fighting over the post of Chairman in the school and on account of that it is alleged that in course of a quarrel the co-accused Brij Kishore Rai caught hold of the injured but on his order this petitioner fired upon the injured as a result whereof he suffered injury.

Learned Senior Counsel submits that the injury report has been duly noticed by the learned court below in the impugned order. A perusal of the same shows that the informant suffered one lacerated wound over left arm (entry), size $\frac{1}{2}$ " $\times$ 1". Wound of exit is absent, there is no blackening spot around the wound. Thus, it is his submission that the firearms shot seems to have only touched the upper part of of the left arm and



all this happened in course of a scuffle for the school post.

It is his further submission that the petitioner has already remained in custody for over one year but till date only commitment has taken place, the framing of charge and completion of trial is likely to take much time. The presence of the petitioner may be secured in course of trial and for that the petitioner is ready to abide by all such terms and conditions which may be imposed upon him.

Learned APP for the State has opposed the prayer for bail of the petitioner but does not dispute the kind of injury said to have been caused to the informant which has been noticed in the impugned order.

Considering the facts and circumstances that the scuffle seems to have taken place while contesting for the post of Chairman in a school, the injury on the body of the informant is on the left arm and there is only an entry wound over left arm without any exit, further there is no repetition of firing and the petitioner has remained in custody for over one year but the trial is not likely to take place in near future and the presence of the petitioner may be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only)



with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- X, Vaishali at Hajipur in connection with Jurawanpur P.S. Case No. 20 of 2017, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that in course of trial, the petitioner shall remain present on the date fixed by the learned trial court. Two consecutive defaults without there being any cogent reason shall invite actions by the learned court below towards cancellation of bail bond.

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.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

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

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

