

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31139 of 2022

Arising Out of PS. Case No.-267 Year-2021 Thana- BOCHAHAN District- Muzaffarpur

Rahul Kumar S/o Late Tufani Sahani Resident of Village- Manpur Uttari,
P.S.- Bochahan, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Verma, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-09-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 147, 148, 149, 323, 307, 504, 505, 506 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, in brief, is that the informant namely Rajesh Ranjan, an S.I. alongwith his team rushed to the place of occurrence and saw that Baby Patel who is Mukhiya of Karnpuri Uttari Panchayat was sitting in the Bolero with some ladies and two persons were lying on the land



in injured condition. One person was injured by bullet injury in his stomach and another suffered injury of nose. On enquiry, it was revealed that Baby Patel along with 4-5 ladies was going through her Bolero and in the way dispute was caused by supporters of Ramshresth Sahni with reference to removing of vehicle, both the parties shot fired at each other and due to the same Rahul Kumar suffered bullet injuries in his stomach, Abhishek Kumar suffered nose injuries, Indrajeet Kumar suffered bullet injuries on his hip (kulha).

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that no overt act has been attributed against the petitioner and it appears from the F.I.R. itself that the informant is not an eye witness of the alleged occurrence and the petitioner has been falsely implicated in the present case only because he sustained bullet injury which is suffered while returning to his house. He further submits that no arms and ammunition has been recovered from the possession of the petitioner and hence no case is made out under the Arms Act against the petitioner. He further submits that the police after investigation submitted chargesheet against the petitioner and



the petitioner is in custody since 22.10.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Bochahan P.S. Case No. 267 of 2021, with 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 witness, 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 antecedents, 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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