

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42639 of 2021

Arising Out of PS. Case No.-9 Year-2021 Thana- CHAORI District- Bhojpur

Rajan Kumar @ Ranjan Kumar, S/O Ram Jatan Sah, R/O Village- Bagauti,
P.S.-Chouri, District- Bhojpur

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 11-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 25.01.2021,
seeks regular bail in connection with Chouri P.S. Case No. 09 of
2021, registered for the offences punishable under Sections 341,
324, 307, 386 and 387/34 of the Indian Penal Code and Section
27 of the Arms Act.

The prosecution case, in brief, is that petitioner
alongwith other co-accused demanded ransom from the
informant and when he refused, the petitioner threatened the
informant to kill him and took out pistol and pointed it on his

temple and co-accused Upendra Kumar Singh fired shot in his stomach.

Learned counsel appearing on behalf of the petitioner submits that petitioner has clean antecedent and neither he has threatened the informant of dire consequences nor that he has dared to use fire arm. There is no allegation of assaulting having been committed by this petitioner rather there is direct allegation against the co-accused Upendra Kumar Singh who has fired in the stomach of the informant. The petitioner was not present at the place of occurrence, there is no eye-witness of the occurrence.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, petitioner in Supplementary Affidavit has made specific statement that nothing has been recovered from his possession. The main allegation of assault is against the co-accused Upendra Kumar Singh. There is minuscule allegation of demand of rangdari from the informant by the petitioner. Petitioner is in custody since 25.01.2021 and there is no allegation of tampering the evidence or influencing the witness. The trial of the petitioner is not likely to be completed

in near future due to pandemic of Covid-19, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VI, Bhojpur at Ara in connection with Chouri P.S. Case No. 09 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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