

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42641 of 2021

Arising Out of PS. Case No.-102 Year-2020 Thana- KANHauli District- Sitamarhi

SANT RAM ALIAS SANTRAM SON OF LATE ANUP LAL RAM Resident
of Village - Ramnagara, P.S.- Lamhauri, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar
For the Opposite Party/s : Mr. Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 10-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

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

Petitioner, who is in custody since 15.03.2021, seeks
regular bail in connection with Kanhauri P.S. Case No. 102 of
2020 registered for offences punishable under Section 307 of the
Indian Penal Code and Section 27 of the Arms Act.

Prosecution case, in brief, is that on 21.09.2020 at
about 10:00 p.m., when the informant was returning from
village-Kishanpur to his home, he was shot from behind by
some person and he was hit on right elbow resultantly, while he
was stepping down from tempo at Chilra More, Hanuman
Chowk, NH 77, Sonbarsa. He was taken to clinic of Dr. Varun



Prasad.

Learned counsel appearing on behalf of the petitioner submits that the F.I.R. is against unknown persons and have been filed after much delay. The incidence had occurred on 21.09.2020 and the F.I.R. was instituted on 23.09.2020. The distance of police station from the place of occurrence is just eight kilometers. He further submits that petitioner is innocent and he has falsely been implicated in this case due to enmity and village politics. Petitioner is in custody since 15.03.2021.

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

Considering the facts and circumstances of the case and on perusal of the F.I.R. as well as the material available which has come in course of investigation, it appears that the informant as well as the petitioner were in drunken state in which the informant had sustained fire-arm injury at the elbow of his right hand. From the material collected in course of investigation, there is only minuscule evidence against the petitioner. Prima facie the petitioner has made out a case to be enlarged on bail. The petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like



amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Sitamarhi in connection with Kanhauli P.S. Case No. 102 of 2020 subject to the following conditions:

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

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

(iii) 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.

(iv) 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 bond.

(Purnendu Singh, J)

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