

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34001 of 2022

Arising Out of PS. Case No.-612 Year-2020 Thana- AMARPUR District- Banka

Raja Pahalwan Son Of Md. Halimuddin @ Halim R/O Village- Rasula, P.S.-
Shahkund, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-09-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 386, 307 of the Indian Penal
Code and Section 27 of Arms Act.

According to prosecution case, five accused persons
including the petitioner herein are stated to have confronted the
driver of the tractor for rangdari and due to non-fulfillment of
Rangdari, the petitioner and others took the said driver to
Bakchchapar Bahiyar and assaulted him and during the assault,
one Krishna Mohan Singh fired two gun-shots, which hit the left
thigh of the said driver.

Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is no direct allegation of demanding ransom against the petitioner and there is general and omnibus allegation against all the accused persons including the petitioner. He further submits that it appears from the injury report that the injury sustained by the informant is simple in nature caused by hard and blunt substance. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Krishna Mohan Singh has been granted bail by a co-ordinate Bench of this Court vide order dated 09.12.2021 passed in Cr. Misc. No. 23719 of 2021. The petitioner is in custody since 15.04.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, 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 Court



below where the case is pending in connection with Amarpur
P.S. Case No. 612 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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