

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37378 of 2022

Arising Out of PS. Case No.-83 Year-2020 Thana- MEHANDIA District- Jehanabad

SHASHI KUMAR S/O ATUL BHAGAT Resident of Village- Musepur P.S.-
Mahendia, Distrcit- Arwal.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath, Advocate

For the Opposite Party/s : Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 27-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under Sections 341, 323, 307,
504 and 506/34 of the Indian Penal Code, and Section 27 of the
Arms Act, in connection with Mehandia P.S. Case No. 83 of
2020.

The allegation in the FIR is as follows:-

On 27.7.2020, while the informant was at his door, the
petitioner herein besides other co-accused started abusing and
assaulting him and when the informant's son came there to save
him, the petitioner, Sashi Kumar opened fire which hit his right
shoulder.



Learned counsel for the petitioner submits that the allegation against him is of opening fire causing injury on the right arm of Md. Murtaja which has been found to be simple in nature. He further submits that for the said alleged act, he has suffered by being in custody since 22.3.2022 despite the fact that he has no criminal antecedent. It is his further submission that irrespective of the outcome of the present bail application, in view of the fact that there has been injury to the informant's son, he wants to make payment for the treatment to the tune of Rs. 25,000/- through Demand Draft issued by the local branch of State Bank of India in favour of the informant namely Abdul Rajak Ansari which will be deposited with the Trial Court for its appropriate release.

Taking into account the fact that the allegation of opening fire on the arm on the son of the informant as also that the same has been found to be simple in nature, he is in custody since 22.3.2022, charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail subject to payment of Rs. 25,000/-, as incorporated above, which will be released in favour of the informant after checking his credentials through Government documents (Aadhar Card, Voter ID etc.).

Let the petitioner be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Arwal, in connection with Mehandia P.S. Case No. 83 of 2020 subject to the following conditions:-

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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