

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38002 of 2022

Arising Out of PS. Case No.-236 Year-2022 Thana- DHAKA District- East Champaran

AMOD BAITHA Son of Jathu Baitha Resident of village- Narkatiya, P.s.-
Dhaka, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Ashok Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 18-10-2022 Learned counsel for the petitioner is permitted to
remove defect (s), as pointed out by the office, if any, within a
period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner has preferred this application for grant
of regular bail in a case registered under sections 307, 326 and
120B read with 34 of the Indian Penal Code and section 27 of
the Arms Act.

As per the prosecution case, during the dance
programme of orchestra, the co-accused Shani Kumar and
Chotu Kumar were dancing and firing from pistol while few
others were also dancing. The co-accused Chhotu Kumar fired
from the pistol which hit Dhiraj Kumar, aged about 16 years, the
grandson of the informant. He sustained injury and fell down.
The injured was taken to the hospital for treatment.

Learned counsel for the petitioner has submitted that



the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the F.I.R. The name of the petitioner has sprung up in the confessional statement of the co-accused Shani Kumar in which he disclosed that he handed over the said pistol to the petitioner. On the basis of his statement the aforesaid pistol was recovered from the house of the petitioner. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 30.04.2022.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the Dhiraj Kumar sustained grievous injury due to firearms.

Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, East Champaran in connection with Dhaka P.S. Case No. 236 of 2022.

The application stands allowed.

(Chandra Prakash Singh, J)

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