

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38994 of 2022

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

Shani Kumar @ Sani Kumar Son of Kamlesh Kumar Rajak Resident of
Village - Narkatiya, P.s.- Dhaka, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prince Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 23-12-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

In the present case, the petitioner seeks bail in connection with Dhaka P.S. Case No. 236 of 2022 registered for the alleged offences under Sections 307, 326, 120B and 34 of the Indian Penal Code.

As per prosecution case, the petitioner and the co-accused opened fire from their pistols in a *Baraat*. The shot fired by the co-accused Chhotu Kumar hit the grandson of the informant causing injury to him.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is a case of joy firing but there is no allegation against this petitioner that he fired upon the grand son of the informant.



The allegation is specific on this count against the co-accused Chhotu Kumar. This co-accused has been granted bail in Cr. Misc. No. 40015 of 2022. The petitioner is in custody since 30.04.2022 and charge-sheet has been submitted. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with his clean antecedent and the submission of charge-sheet against the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Magistrate, Sikarahana (Dhaka), East Champaran in connection with Dhaka P.S. Case No. 236 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates



or in violation of the terms of the bail, the bail
bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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