

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40015 of 2022

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

Chhotu Kumar Son of Pramod Baitha @ Pramod Ram 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 State	:	Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-12-2022 At the outset, learned counsel for the petitioner submitted that in paragraph no.1, at page no.2, of the bail petition, inadvertently, 'Section 27 of the Arms Act' has been wrongly omitted.

Accordingly, learned counsel for the petitioner is permitted to add the aforesaid Section during the course of the day itself.

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Dhaka P.S. Case No. 236 of 2022 registered for the offence under Sections 307, 326, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act.



The accused/petitioner is named in the F.I.R. and is in custody since 30.04.2022.

The allegation against the petitioner is to open firing during dance performance of Orchestra party, where one of the bullets hit the grandson of the informant, namely, Dhiraj Kumar, aged about 16 years.

Learned counsel appearing on behalf of the petitioner submitted that from bare perusal of the F.I.R., it can be easily gathered that firing was not made intentionally rather it was accidental and, as such, it can be safely said that petitioner was not under intention to cause death of the grandson of the informant/injured. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as firing was not made intentionally, as it is appearing from the face of F.I.R., where petitioner is a man of clean antecedent coupled with the fact that chargesheet has been



submitted, let the petitioner, above named, is directed to be released on bail in connection with Dhaka P.S. Case No. 236 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Sikrahana, Dhaka, East Champaran/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be the deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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