

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44733 of 2022

Arising Out of PS. Case No.-434 Year-2021 Thana- CHHATAPUR District- Supaul

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ASHISH ANAND @ TARUN SINGH Son of Mohan Prasad Singh Resident
of Village - Girdharpatti, P.S.- Chhatapur, District - Supaul

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun

For the Opposite Party/s : Mr.Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with S.T. No.
161 of 2022 arising out of Chhatapur P.S. Case No. 434 of 2021
registered for the offences punishable under Sections 394/307 of
the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, it is alleged that three
unknown persons snatched informant's Adhar Card, ATM Card,
PAN Card, Driving Licence, documents of motorcycle and Rs.
1200/- in cash. It is further alleged that miscreants fired upon
Saurabh Shankar which caused injury to him who was pillion rider
of the said motorcycle.



Learned counsel for the petitioner submits that petitioner is in custody since 09.03.2022. Petitioner bears criminal antecedent of six cases out of which he is on acquittal in two cases and he is on bail in four cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is not named in FIR. During the course of investigation in paragraphs 18 and 19 of the Case Diary, petitioner alongwith his two associates were seen roaming in the Canal road and on the basis of the said information the police arrested the petitioner and recorded confession. Except the self confessional statement, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. From the perusal of injury report of Saurav Shankar, it is clear that the injured received injury on his non vital part of the body so no offence under Section 307 is made out against the petitioner rather it is also relevant to point out that it is not alleged that the petitioner made firing upon injured Saurav Shankar.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence,



argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge Ist cum Special Judge, Supaul, in connection with S.T. No. 161 of 2022 arising out of Chhatapur P.S. Case No. 434 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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