

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56028 of 2021**

Arising Out of PS. Case No.-162 Year-2021 Thana- SAUR BAZAR District- Saharsa

DINDAYAL SAH S/O SRI JHARI LAL SAH R/o village- Etahra, P.S.- Saur
Bazar, District- Saharsa

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Adv.
For the Opposite Party/s : Mr. Ajit Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 27-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with Sourbazar P.S. Case No. 162 of 2021 registered for the offence under Sections 147, 148, 149, 341, 323, 324, 307, 384, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

The brother of the informant sustained gunshot injury upon the firing made by the co-accused on the instigation of the petitioner.



Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that it is apparent from the F.I.R. itself that the petitioner has not assaulted anyone rather the co-accused Kailash Sah has opened fire causing gunshot injury to the informant. He also submits that there is land dispute between the parties and on account of the same the petitioner has been implicated in this case. Moreover, the present F.I.R. is a counter blast of Sourbazar P.S. Case No. 164 of 2021. The petitioner is rotting in judicial custody since 01.06.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Sourbazar P.S. Case No. 162 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall



be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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