

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46826 of 2022

Arising Out of PS. Case No.-321 Year-2021 Thana- ATRI District- Gaya

Sudhir Kumar S/o Rajaram Singh @ Rajaram Sharma R/o village-
Dundichak, P.S.- Atri, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh, Advocate
For the Opposite Party/s : Mr. Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-12-2022 Learned counsel for the petitioner is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 341, 342, 307, 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, it is alleged by the informant that he is owner of Sheoshakti JIM and was one of Mukhiya candidates of Shidh Panchayat. It is further alleged that on 11.09.2021 at about 3:30 A.M. while he was going to his JIM, the accused petitioner surrounded him along with 4-5 associates near Panchayat Bhawan and opened fire from his pistol as a



result of which the informant sustained firearm injury and fell down on the ground.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that as per allegation as alleged in the F.I.R. that the petitioner has opened fire upon the informant and the informant sustained injury. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and in fact the date of occurrence as alleged in the F.I.R. is on 11.09.2021 but the present F.I.R. was instituted on 25.09.2021 after delay of 14 days without giving explanation of delay. He further submits that there is no injury report on record to suggest that the informant has sustained firearm injury.

Learned APP for the State, on the other hand has opposed the prayer for bail of the petitioner but fairly submits that there is no injury report on record to suggest that the informant has sustained injury by firearm and also submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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



Court below where the case is pending in connection with Atri P.S. Case No. 321 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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