

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.56570 of 2021**

Arising Out of PS. Case No.-102 Year-2020 Thana- KANHAULI District- Sitamarhi

SHIV NANDAN BAITHA Son of Raktu Baitha Resident of Village-  
Ramnagra, P.S.- Kanhauli, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ayush Kumar

For the Opposite Party/s : Mr.Ramchandra Sahni

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH  
ORAL ORDER**

3      17-05-2022                      Heard learned counsel appearing on behalf of the  
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the  
complete start of the physical Court in normal course.

Petitioner seeks regular bail in connection with  
Kanhauli P.S. Case No. 102 of 2020 registered for offences  
punishable under Section 307 of the Indian Penal Code and  
Section 27 of the Arms Act.

Prosecution case, in brief, is that on 21.09.2020, the  
informant was shot from behind by some some miscreants  
which hit on his right elbow, while he was stepping down from  
an auto rickshaw (tempo) near Chilra More, Sonbarsa. He was  
taken to clinic of Dr. Varun Prasad for treatment.

Learned counsel appearing on behalf of the petitioner  
submits that the F.I.R. is against unknown persons and has been



filed after much delay. The incidence had occurred on 21.09.2020 and the F.I.R. was instituted on 23.09.2020. The distance of police station from the place of occurrence is just eight kilometers. He further submits that general and omnibus allegation has been made against the petitioner. Informant had sustained injuries and he is the eye witness of the occurrence but he has not named the petitioner. The F.I.R. is against unknown miscreants who had fired upon him. Petitioner is in custody since 15.03.2021. Similarly situated co-accused namely Sant Ram has already been granted bail vide order dated 10.03.2022 passed in Cr. Misc. No. 42641 of 2021 by this Court.

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

Considering the facts and circumstances of the case and on perusal of the F.I.R. as well as the material available which has come in course of investigation, it appears that the informant as well as the petitioner were in drunken state in which the informant had sustained fire-arm injury at the elbow of his right hand. From the material collected in course of investigation, there is only minuscule evidence against the petitioner. Prima facie the petitioner has made out a case to be enlarged on bail.



The petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Kanhauli P.S. Case No. 102 of 2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

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**(Purnendu Singh, J)**

