

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.48373 of 2022**

Arising Out of PS. Case No.-47 Year-2021 Thana- NAUGACHIA District- Bhagalpur

Shankar Rai Son of Shyamdev Rai R/V- Pakra, P.S- Naugachia, Dist-
Bhagalpur Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-12-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within two weeks
from today.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Naugachia P.S. Case No. 47 of 2021 registered
for the offences punishable under Sections 307, 386, 34 of the
Indian Penal Code and Section 27 of the Arms Act. He is in
custody since 16.06.2022. The petitioner has got no criminal
antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story, on 04.02.2021, 10 FIR named accused
persons came at the house of the informant and started firing on
the son of the informant which hit on the back of the son of the



informant and sustained serious injuries.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is in custody in connection with this case since 16.06.2022 having no criminal antecedent.

Learned counsel submits that there is no specific allegation against the petitioner of causing firearm injury to the son of the informant.

Mr. Akhileshwar Dayal, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the allegations of firing have been made against 10 named accused persons but the son of the informant who got firearm injury has suffered only one injury and there is no specific allegation that this petitioner has caused any firearm injury to the son of the informant, the petitioner above named who is in custody since 16.06.2022 and has no criminal antecedent is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of



learned Additional Chief Judicial Magistrate, 1st Naugachia in connection with Naugachia P.S. Case No. 47 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

This application is allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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