

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50334 of 2022

Arising Out of PS. Case No.-89 Year-2022 Thana- KURSAILA District- Katihar

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NEERAJ DAS @ NEERAJ KUMAR DAS S/o Parmanand Das Resident of
Village- Koshkipur, P.S.- Rangra, O.P., District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bal Krishna Mishra, Advocate
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioner and learned

APP for the State through video conferencing in view of the

COVID 19.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is an accused in connection with
Kursela P.S. Case No. 89 of 2022 for the offences registered
under Sections 341, 323, 307, 504 and 506/34 of the Indian
Penal Code and Section 25(1-b)a, 26, 27 and 37 of the Arms
Act.

As per the FIR, the named accused came to the house
of the informant and it is alleged that on the instigation of one
Amit Singh Rathore, this petitioner opened fire which crossed
the ear of the father of the informant. The petitioner was



captured and accordingly, arrested after the lodging of the FIR.

Learned counsel for the petitioner submits that although the said FIR is numbered earlier to the counter blast i.e Kursela P.S. Case No. 90 of 2022, the same was lodged as the criminals had abducted the petitioner and also attacked his house in which he sustained injuries and to save their skin, the said FIR was lodged.

Taking into account the fact that there is case and counter case and the allegation is that the petitioner opened fire which crossed the ear of the informant's father and he is in custody since 22.05.2022 (as stated in paragraph-15 of the bail application) and charge sheet stands submitted, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Katihar in connection with Kursela P.S. Case No. 89 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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