

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.53107 of 2022**

Arising Out of PS. Case No.-359 Year-2021 Thana- BAKHTIARPUR District- Saharsa

RAJAN KUMAR @ MRITUNJAY KUMAR Son of Bechan Mishra @
Bacchan Mishra Resident of Village - Ekparha, P.S.- Bakhtiarapur, District -
Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rashmi Jha, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

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

2 23-12-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by the Stamp Reporter by

16.01.2023.

Heard learned counsel for the petitioner, learned
counsel for the informant and Mr. Bhanu Pratap Singh, learned
APP for the State.

The petitioner in this case is seeking regular bail in
connection with Bakhtiarapur P.S. Case No. 359 of 2021
registered for the offence punishable under Sections 341, 323,
307, 302/34 of the Indian Penal Code and 27 of the Arms Act.
He has no criminal antecedent and is in custody since
24.06.2022.

Learned counsel for the petitioner submits that as per
the prosecution story, while the informant's younger brother was



coming to his house, the accused persons named in the FIR and two unknown indulged in assaulting him and started indiscriminate firing upon the informant's brother. On hearing sound of firing informant and others went to the place of occurrence thereafter miscreants fled away after committing the occurrence.

Learned counsel submits that the petitioner is innocent and has not committed any offence. It is further submitted that in the FIR the specific allegations are against the named accused persons and the overt acts have been alleged against them. It is further submitted that this petitioner is not named in the FIR, his name has later on transpired in course of the investigation on mere suspicion that the petitioner had called one of the co-accused on his mobile number on the date occurrence and investigation against him is complete.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it is the submission of the learned counsel for the petitioner that in the FIR the specific allegations are against the named accused persons and the overt acts have been alleged against them, this petitioner is not named in the FIR but his



name has later on transpired in course of the investigation on mere suspicion that the petitioner had called one of the co-accused on his mobile number on the date occurrence, the petitioner has otherwise no criminal antecedents and he is in custody since 24.06.2022, there being no submission that his release at this stage is likely to result in tampering with the evidence or interfering with the course of trial and his presence cannot be secured, this Court directs that the petitioner above named 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 Sessions Judge-VII, Saharsa in connection with S.T. No. 140/22, arising out of Bakhtiarpur P.S. Case No. 359 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.



The 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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