

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62728 of 2021**

Arising Out of PS. Case No.-348 Year-2021 Thana- AGAMKUAN District- Patna

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BADAL KUMAR S/o Fusru Mahto @ Ram Ratan Mahto Resident of
Village- Badi, Pahari, P.S.- Agamkuan, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar, Adv

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 09-05-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

Petitioner seeks bail in a case registered for the offence punishable under Sections 341,323,26,307,379,506/34 of the IPC and Section 27 of the Arms Act.

The prosecution case, in short, is that on 20.04.2021 the informant was standing on his Kirana shop suddenly accused Vishal Kumar and Badal Kumar entered in his shop and they looted Rs.29,000/- from his cash box and accused Vishal Kumar fired upon the informant with intention to kill him and informant received firearm injury in the left side of chest and he



became unconscious. Nearby people informed to the police and police was admitted him in PMCH in the emergency ward and his treatment was going on and in the meantime informant learnt that both the accused persons threatened at his home if case is lodged then kill him.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR that the specific allegation of firing is against co-accused, namely, Vishal Kumar. Hence, Section 307 of IPC and Section 27 of the Arms Act is not attracted against the petitioner. He further submits that nothing has been recovered from conscious possession of the petitioner and till date no T.I. Parade has been conducted by the prosecution and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 20.05.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (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 Agamkuan P.S. Case No.348 of 2021, with the 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

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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