

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63927 of 2021

Arising Out of PS. Case No.-135 Year-2020 Thana- GHOSWARI District- Patna

HIRDAY PRASAD S/o Arjun Sao R/o village- Buchchi, P.S.- Nardiganj,
District- Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Narsingh Tanti, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Sessions Trial No. 556/2021 arising out of Ghoswari P.S. Case
No. 135/2020 registered for the offences punishable under
Sections 341, 323, 452, 307, 504, 506/34 of the Indian Penal
Code and Section 27 of the Arms Act.

The allegation, as per the First Information Report, is
that the husband of the informant, namely, Chotelal Gupta,
Hiraday Prasad (petitioner), Awadhesh Kumar and one unknown
persons came to the house of the father of the informant and co-
accused Chotelal Gupta has allegedly shot the father of the
informant in his leg.

Learned counsel for the petitioner submits that the



petitioner is brother-in-law (*Bhainsur*) of the informant. Learned counsel further submits that there was family dispute between the petitioner and the informant, due to which, he has been implicated in this case. He also submits that during course of investigation the statement of the victim i.e. father of the informant was recorded in which he has not supported the prosecution case. He next submits that Co-accused Chotelal Gupta has already been granted bail by this Court in Cr. Misc. 48212 of 2021. The petitioner is in custody since 30.05.2021 and charge sheet has already been submitted.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that that the petitioner is in custody since 30.05.2021, charge sheet has already been submitted and the father of the informant i.e. victim has not supported the prosecution story during course of investigation, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge, 4th, Barh, in connection with Sessions Trial No. 556/2021 arising



out of Ghoswari P.S. Case No.135/2020 subject to the following conditions:-

(i) that petitioner shall cooperate in the trial and shall be properly represented on each and every dated fixed by the court and shall remain physically present, as directed by the court below and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the court below.

(ii) that the petitioner will not threaten the informant and her family members and he shall not commit any offence similar to the offence in which he is an accused.

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

(Anil Kumar Sinha, J)

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