

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64707 of 2021

Arising Out of PS. Case No.-81 Year-2021 Thana- DARAUNDA District- Siwan

Kaushlendra Kumar Singh @ Bhakoli Singh, Son of Satyendra Singh @ Vijay Singh, Resident of Village - Sheikhpurwa, Police Station - M.H. Nagar, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Tiwary, Advocate.
For the Informant	:	Mr. Ashok Kumar, Advocate.
For the State	:	Ms. Anita Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 22-08-2022 Heard Mr. Ajay Kumar Tiwary, learned counsel appearing on behalf of the petitioner, Mr. Ashok Kumar, learned counsel for the informant and Ms. Anita Kumari, learned A.P.P. for the State.

Let the defect(s), if any, be removed within two weeks of the complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with Daraunda (M.H. Nagar) P.S. Case No. 81 of 2021 for the offence punishable under Sections 307 and 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation against the petitioner is of resorting to fire upon the informant.



Learned counsel appearing on behalf of the petitioner submits that there was no previous enmity nor informant has been able to bring on record any case pending against the petitioner. Charge sheet has already been submitted, but I.O. has not been able to bring on record any material to show that the informant has sustained any fire arm injury. The doctor is also of the opinion that the injury is simple found on fore arm of the informant. No bony lesion has been found. Petitioner is in custody since 31.03.2021. He further submits that the petitioner will abide by any condition as imposed by this Court if released on bail. On these grounds, the petitioner seeks to be released on bail.

Mr. Ashok Kumar, learned counsel for the informant has vehemently opposed the prayer for grant of bail to the petitioner. He has submitted that the informant is the victim and is the eye witness of the incidence and has made specific allegation against the petitioner to have fired upon him which is supported by the injury report submitted by the doctor. The materials gathered in course of investigation show that the petitioner was involved in the crime. The petitioner don't deserved to be released on bail.

Learned A.P.P. has supported the submission made by



the informant and opposed the prayer for grant of bail to the petitioner.

Having heard the rival submissions of the parties, it appears that the nature of allegation made in the F.I.R. is not supported by any evidence collected in course of investigation nor any criminal case is pending against the petitioner. The injury report reveals that the injury is simple in nature. Petitioner has remained in custody since 31.03.2021. Chargesheet has already been submitted. I am of the opinion that prima facie the petitioner has made out a case to be released on bail.

The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XI, Siwan in connection with Sessions Trial No. 244 of 2021, arising out of Daraunda (M.H. Nagar) P.S. Case No. 81 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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