

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68229 of 2021**

Arising Out of PS. Case No.-28 Year-2021 Thana- MARANCHI District- Patna

Niranjan Ram Son of Ramji Ram Resident of Village- Bahapar, P.S.-
Barahiya, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No2, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 13-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Maranchi
(Pachmahala O.P.) P.S. Case No. 28 of 2021 registered for the
offence under Sections 341, 353, 307 and 332 of the Indian
Penal Code and Sections 25(1-b)a, 26 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 23.03.2021.

The allegation against the petitioner is to fire upon
police party, which in fact was miss fire, and also further
allegation to deter the public servant from his duty.

Learned counsel appearing on behalf of the petitioner



submitted that as admittedly, it is a case of miss fire and alleged recovery of fire arms cannot be said from conscious physical possession of the petitioner. It has further been submitted that seizure list is not supported by the independent witnesses, as such, it cannot be said that the mandatory provision of Section 100 of Cr.P.C. has been complied with. It has further been submitted that petitioner is involved in 02 other criminal cases, in which, he is on bail. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that this is a case of miss-fire, as per F.I.R.

Considering the facts and circumstances as mentioned above, as the seizure list is disputed coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Maranchi (Pachmahala O.P.) P.S. Case No. 28 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Barh, Patna, subject to the following conditions:



“(i)That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Ramji Ram, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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