

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68798 of 2021

Arising Out of PS. Case No.-565 Year-2020 Thana- BEGUSARAI TOWN District- Begusarai

Baibhav Kumar, S/o Binod Singh @ Binod Kumar Singh, R/o village-
Pokharia, Ward No. 39, P.S.- Town, District- Begusarai. ... Petitioner/s
Versus

The State of Bihar ... Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 24-08-2022 Today this case has been heard, on priority basis, on

the ground that the father of the petitioner died on 16.08.2022

and he is the only son.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Binod Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Nagar P.S. Case No. 565 of 2020 (S.T. No. 351
of 2021) registered for the offences punishable under Sections
341, 323, 307, 506/34 of the Indian Penal Code and Section 27
of the Arms Act.

As per prosecution case, it is alleged that on
16.10.2020, at about 4.00 AM, while the informant was
returning from Kali temple, in the meantime, the petitioner
along with four unknown persons surrounded him and this



petitioner fired twice over him, inflicting two fire arm injuries. It is further alleged that thereafter the petitioner also assaulted the informant by means of brick over his chest.

Learned counsel appearing on behalf of the petitioner submits that with regard to the same occurrence, two F.I.R. have been instituted, one Town P.S. Case No. 565 of 2020 and another Town P.S. Case No. 557 of 2020. So far Town P.S. case no. 557 of 2020 is concerned, the same has been instituted under the Arms Act for recovery of country made pistol from the possession of the petitioner, but in the said F.I.R. there is no whisper about the present occurrence that the informant has sustained firearm injury by the petitioner and, moreover, the petitioner was also apprehended in an injured condition. It is further submitted that the present occurrence has taken place on 16.10.2020 and the fardbeyan of the informant was recorded on 17.10.2020, but the F.I.R. was instituted on 19.10.2020, which casts suspicion over the conduct of the police officials. It is next submitted that the alleged firearm injury has been sustained on non-vital parts of the body, inasmuch as both the injuries have been found on the thigh and knee of the informant. He further submits that the petitioner is in custody since 19.12.2020 and moreover charges have already been framed on 06.09.2021, but till the filing of the supplementary affidavit on 23.06.2022 not



even a single charge-sheet witness has been examined.

On the other hand learned APP for the State vehemently opposes the bail application and submits that there is specific allegation of firing against the petitioner that he fired twice over the informant causing firearm injury and further he is having three criminal antecedent.

In response to the aforesaid submissions, learned counsel for the petitioner submits that the petitioner is on bail in all the other cases, except the present one.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner is in custody since 19.12.2020 and moreover charges have been framed on 06.09.2021, but not even a single witness has been examined till the filing of the supplementary affidavit by the petitioner, apart from the fact that injuries have been sustained on the non-vital part, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XIV, Begusarai in connection with Nagar P.S. Case No. 565 of 2020 (S.T. No. 351 of 2021), subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-



(i) The petitioner will ensure his monthly attendance before the S.H.O. of local police station till conclusion of the trial.

(ii) The petitioner will cooperate in conclusion of the trial.

(iii) He will remain physically present on each and every date of trial till disposal of the case.

(iv) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(v) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(vi) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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