

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64806 of 2022

Arising Out of PS. Case No.-183 Year-2021 Thana- KOPA District- Saran

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Dharamnath Rai S/o Ganesh Rai R/V- Chaukhara Balua Tola, P.S.- Kopa,
Distt- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Awadhesh Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Umesh Lal Verma, APP
For the Informant	:	Mr. Anant Kumar Bhaskar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-12-2022 This petition has been taken up for out of turn hearing on a mentioning slip being moved on behalf of the petitioner that the petitioner is an old person and his wife met with an accident and there is multiple fracture and there is no one to look after her.

Heard learned counsel for the petitioner and learned APP for the State as well as learned counsel for the informant through video conferencing.

In the present case, the petitioner seeks bail in connection with Kopa P.S. Case No. 183 of 2021 registered for the alleged offences under Sections 341, 342, 323, 325, 307, 379, 427 and 506/34 of the Indian Penal Code and Section 27 of the Arms Act.



As per prosecution case, the informant was having a conversation with his family members in the fateful evening. The informant received firearm injury in his left chest. The informant and his family members saw the petitioner, co-accused persons along with others, armed with country made pistol, gun, *lathi*, *danda* coming towards their house and they damaged two motorcycles and a four wheeler parked outside the house of the informant. They also damaged the house hold articles, TV etc. after entering into the house of the informant.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is general and omnibus allegation against the petitioner and other co-accused persons. There is no eyewitness to the alleged occurrence. It is also clear from the FIR that even the informant has not seen who fired upon him. But in order to harass the petitioner he named him in this case. The injury report shows only simple injury. The petitioner is in custody since 16.06.2022 and charge-sheet has been submitted. The petitioner is having clean antecedent.

Learned APP as well as learned counsel for the informant submitting that there is allegation against this petitioner that he fired upon the informant causing injury to him.



Having regard to the facts and circumstances and submissions made on behalf of the parties and considering non specific and vague nature of allegation without any substantive material against the petitioner and further considering his period of custody along with his clean antecedent and the submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Kopa P.S. Case No. 183 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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