

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70328 of 2021

Arising Out of PS. Case No.-99 Year-2020 Thana- MARANCHI District- Patna

Mukesh Nishad, Son of Subelal Singh Nishad @ Subelal Nishad, Resident of Village - Dumra Jarijira Diyara, P.S.- Panchmahala (O.P.), District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 09-11-2022 Heard learned counsel for the petitioner and learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in connection with Maranchi (Panchmahla O.P.) P.S. Case No. 99 of 2020 registered for the alleged offences under Sections 341, 323, 307, 449, 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, while the informant was taking bath, the petitioner fired upon him and the shot hit the informant on his left arm.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The present case of the informant is counter blast of Maranchi (Panchmahla O.P) P.S Case No. 98 of 2020 filed against the informant and his family members by Anita Devi who is the aunt of the petitioner. In order to save themselves from the case of the aunt of the petitioner, the informant has lodged this false case. Even the witnesses examined during investigation by the police have stated that the informant has fabricated the injury by himself firing upon his arm. The informant is a criminal and has got enmity with a number of persons. It is also not believable that there is no eye witness to the occurrence when the occurrence took place in public view. The informant has filed this case only to pressurize the petitioner and his family members to compromise their case. The petitioner is in custody since 18.08.2021 and charge sheet has been submitted. The petitioner has got no criminal antecedent.

Learned APP opposes the prayer for bail submitting that specific allegation against this petitioner is that he fired upon the informant causing injury in his left arm.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubtful nature of allegation against the petitioner and further



considering the period of custody of this petitioner 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 Judicial Magistrate, Barh, Patna in connection with Maranchi (Panchmahla O.P.) P.S. Case No. 99 of 2020, 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 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)

Himanshu/-

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