

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71709 of 2021

Arising Out of PS. Case No.-165 Year-2020 Thana- MAIRWAN District- Siwan

Abhimanyu Rajbhar @ Mannu Raj Bhar @ Munna Rajbhar S/o Shailendra
Rajbhar Resident of Village- Domdih, P.S.- Mairvan, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Murad Ashraf, Adv.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 29-11-2022 Learned counsel for the petitioner submits that due to inadvertence in Paragraph-1, some sections given in the F.I.R. could not be added in para-1. Learned counsel seeks permission to remove the defect in course of day.

Permission granted to remove the defect in course of the day.

Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Mairwan P.S. Case No. 165 of 2020 lodged under Sections 326, 307 and 34 of the I.P.C. read with Section 27 of the Arms Act.

As per the prosecution case, there is specific

allegation of gun shot on the stomach of informant's son by the petitioner due to which the son of the informant injured.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that both informant and the victim belongs to same village and due to certain petty issues, there were dispute between them. Learned counsel submits that the death has not caused to anyone and he is in custody since 02.09.2021. Charge sheet has already been filed as well as charge has already been framed in this case.

Learned counsel further submits that there are 2 criminal cases pending against him and in both the cases, he is on bail.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-VII, Siwan in connection with Mairwan P.S. Case No. 165 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following

conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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