

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.354 of 2022**

Arising Out of PS. Case No.-442 Year-2021 Thana- GARKHA District- Saran

Shivnath Rai Son of Shivji Rai Resident of Village - Bara Telpa, Ward No. - 41, P.S. - Town, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                               |
|----------------------|---|-------------------------------|
| For the Petitioner/s | : | Mr. Niranjana Kumar, Advocate |
|                      | : | Mr. Kumar Kishan, Advocate    |
|                      | : | Mr. Avinash Raushan, Advocate |
| For the State        | : | Mr. Shailendra Kumar, APP     |
| For the Informant    | : | Mr. Anjani Prasad, Advocate   |

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

4      23-08-2022                      Heard learned counsel appearing on behalf of the petitioner, learned APP appearing on behalf of the State and learned counsel appearing on behalf of the informant.

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

The petitioner seeks bail in connection with Garkha P.S. Case No. 442 of 2021 registered for the offence under Sections 326, 307, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 29.06.2021.

The allegation against the petitioner is to cause fire



arm injury upon the informant, alongwith other known and unknown persons, for previous longstanding land dispute.

Learned counsel appearing on behalf of the petitioner submitted that maximum allegation, which appears from bare perusal of the F.I.R., is of conspiracy against this petitioner, where implication is purely based upon suspicion in the backdrop of land dispute. It is submitted that similarly situated co-accused person, namely, Sujit Sharma has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 62513 of 2021 dated 18.07.2022. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, fairly conceded that there is no specific allegation of firing against this petitioner, as per F.I.R.

Considering the facts and circumstances as mentioned above, as allegation of firing is not specific, where injured is the informant coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to



be released on bail in connection with Garkha P.S. Case No. 442 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 Chief Judicial Magistrate, Saran at Chapra/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

Ankit/-

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