

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5023 of 2023

Arising Out of PS. Case No.-128 Year-2022 Thana- PHULWARIA District- Begusarai

Raja Kumar S/o Subodh Roy @ Kamdev Roy, R/o Village- Pipra Debas, P.S.-
Barauni, Distt- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bauye Jee Jha (B.J. Jha), Adv.
For the State	:	Mr. Ram Naresh Ray, APP.
For the Informant	:	Mr. Shubhesh Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 04-03-2023 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 as well as learned counsel for the informant.

The petitioner seeks regular bail in connection with
Phulwaria P.S. Case No. 128 of 2022, lodged under Sections
341, 386, 307/34 of the Indian Penal Code read with Section 27
of Arms Act.

As per prosecution case, there is allegation of firing
against the petitioner upon the informant. It has been alleged
that the said attack was for the demand of ransom.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that from the rejection order of Sessions Court, it is



clear that there was no injury as the Court has repeatedly demanded the injury report from the I.O. but it has not been produced. He also submits that there are 3 criminal cases pending against the petitioner. In one case final form has been submitted and in rest 2 cases he is on bail. Learned counsel for the petitioner further submits that petitioner is in custody since 30.08.2022.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that from the order sheet of Sessions Court, it transpires that injury report was not produced by the I.O. but from the same order sheet, it transpires that the petitioner is habitual offender.

Upon specific query that whether charge has been framed or not, learned counsel submits that as per his knowledge, charge has not been framed in this case.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner, therefore, his bail application stands rejected.

Liberty is hereby granted to the petitioner that he may renew his prayer for bail after framing of charge.



Trial Court is directed to release the petitioner on bail upon move for bail after framing of charge, imposing its own conditions, so that he may not evade his appearance during trial.

(Dr. Anshuman, J.)

ritik/-

U		T	
---	--	---	--

