

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4587 of 2023

Arising Out of PS. Case No.-413 Year-2022 Thana- MINAPUR District- Muzaffarpur

PAPPU PRASAD @ PANCHU KUMAR S/O KRISHNDEO PRASAD
Resident of Village- Kharhar, P.S.- Minapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Adv.
For the Opposite Party/s : Mr. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-06-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Minapur
P.S. Case No. 413 of 2022 dated 17.08.2022 registered for the
offence under Sections 147, 148, 149, 341, 323, 506, 302 and
120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The case relates to recovery of one country made pistol
along two live cartridges and one mobile phone.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case due to previous dispute between the parties. He further
submits that all the cases mentioned in paragraph-3 of the
petition have been lodged by the informant. He further submits
that the allegation as alleged in the F.I.R. is false and fabricated.



He further submits that it appears from the F.I.R. that no specific allegation of assault or any overt act is attributed to the petitioner rather there is general and omnibus allegation leveled against him as the allegation of firing is attributed to four accused persons including the petitioner. He further submits that the informant does not claim to be the eye witness of the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 25.09.2022.

Learned counsel for the informant as well as learned A.P.P. for the State on the other hand opposed the prayer for bail of the petitioner and submits that it has come during the investigation that the petitioner along with other accused have fired upon the victim. He, however, further submits that there is no specific averment that as to who has inflicted injury to the victim and it is not clear from the statement of Shailendra Kumar.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzzafarpur in connection with Minapur P.S. Case No. 413 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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