

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5413 of 2023

Arising Out of PS. Case No.-34 Year-2022 Thana- BIBHUTIPUR District- Samastipur

RAM BHAROSH MAHTO @ RAM BHAROSH KUMAR S/O
MUNSHILAL MAHTO R/v- Surouli, P.S.- Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Vaishnavi Singh, Adv.
For the Opposite Party/s :	Mr. Ramchandra Sahni, APP
For the Informant :	Mr. Uma Shankar Pd. Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-05-2023 Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 01.07.2022 in connection with S. Tr. No.507/2022, arising out of Bibhutipur P.S. Case No.34 of 2022, F.I.R. dated 29.01.2022, for the offences punishable under Sections 307/34 of the IPC & Section 27 of the Arms Act.

According to prosecution case, the allegation against the petitioner is of firing upon the informant from a close range which caused injury on the left side of her head.

Learned counsel for the petitioner submits that the petitioner has clean antecedent but as per information, the



informant has also filed a complaint case against the petitioner but the petitioner has no knowledge about the same. He further submits that as per F.I.R. the allegation against the petitioner is that he fired upon the victim from a close range, which caused injury on the left side of the head but the injury report does not support the allegation as alleged in the F.I.R. and there is allegation in the F.I.R. that three persons have fired upon the informant but there is only one injury found on the person of the informant and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 01.07.2022.

Learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that the final injury report of the injured person suggests that a close shot fire arm injury penetrating wound over scalp temporo-parietal region leading to head injury but the wound size is not mentioned in the injury report.

Considering the aforesaid facts and period of custody, let the petitioner, above named, 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 the learned Additional



District and Sessions Judge-II, Rosera, Samastipur in connection with S. Tr. No.507/2022, arising out of Bibhutipur P.S. Case No.34/2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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