

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9773 of 2023**

Arising Out of PS. Case No.-612 Year-2022 Thana- DARBHANGA SADAR District-
Darbhanga

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GYANENDRA KUMAR @ GYANI S/O Sudish Mahto R/O Village-
Shivdhara, P.S- Sadar, (Mabbi O.P), District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Adv.
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 26-06-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with Sadar
(Mabi O.P.) P.S. Case No. 612 of 2022 registered for the
offence under Sections 341, 323, 307, 504/34 of the Indian
Penal Code and Section 26, 27 and 35 of the Arms Act.

The son of the informant is alleged to have been
shot fired by the petitioner causing him deadly bullet injury.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that it appears from the F.I.R. that the
petitioner has shot fire upon the son of the informant



inflicting him gun shot injury. He further submits that as a matter of fact, the petitioner and his brother were having hot exchange of words and victim, who happens to be friend of the petitioner, was trying to pacify their matter, meanwhile the petitioner opened fire which hit the son of the informant. He further submits that the present occurrence is nothing but an unfortunate incident in which the son of the informant sustained gun shot injury. There was not deliberate intention on the part of the petitioner to kill the son of the informant and for that reason the informant and the victim has filed a compromise petition before the court below even though the offences alleged in the F.I.R. is non compoundable. He further submits that the injury report suggest that firearm injury has been found on the person of the victim but the doctor has opined that the attendant of the victim has refused to get the victim treated in the Hospital, where the victim was being diagnosed and treated. Extract of opinion of doctor is reproduced herein-below;

“But attendant refused for further management and took LAMA from this hospital on 29.09.2022.”

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 27.09.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

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, Darbhanga in connection with Sadar (Mabi O.P.) P.S. Case No. 612 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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