

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23929 of 2023

Arising Out of PS. Case No.-14 Year-2023 Thana- BACHHWARA District- Begusarai

Abhishek Kumar @ Praduman Kumar Son Of Late Kari Kunwar Resident Of
Village Jhumatia, Ward No.11, P.S - Bachwara, District - Begusarai

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
17.01.2023 in connection with Bachhwara P.S. Case No. 14 of
2023, F.I.R. dated 16.01.2023 for the offences punishable under
Section 307 of the Indian Penal Code and Section 27 of the
Arms Act.

According to prosecution case, this petitioner open
fired upon the informant due to which the informant sustained
firearm injury. It is further alleged that one bullet hit the
informant's chest and two bullets hit on his back.

Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that there is case and counter case between the parties and no injury report is available on the record. He further submits that it has come in paragraph 18 of the case diary that when the prosecution went to the hospital to get the injury report of the informant, he found that no injury report was available there and the informant has not been examined by the doctor in the hospital and only after obtaining/preparing the *parcha* from the hospital, the informant fled away from the hospital. He further submits that in view of the aforesaid, no case is made out under Section 307 of the Indian Penal Code against the petitioner and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 17.01.2023.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the three



cases.

Considering the aforesaid facts and circumstances, 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 Chief Judicial Magistrate, Begusarai in connection with Bachhwara P.S. Case No. 14 of 2023, 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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