

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28660 of 2023

Arising Out of PS. Case No.-408 Year-2022 Thana- DAUDNAGAR District- Aurangabad

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Madan Sharma @ Madan Singh, Son Of Late Umeshwar Sharma, Resident of
Village -Mannar, P.S. Daudnagar, District Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ramakant Sharma, Sr.Advocate Mr. Lakshmi Kant Sharma, Advocate Mr. Akshay Ashish, Advocate Mr. Ravi Ranjan Kumar, Advocate
For the Opposite Party/s :		Mr.Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-07-2023 Heard Mr. Ramakant Sharma, learned senior counsel

for the petitioner and Mr. Binod Kumar, learned APP for the

State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Daudnagar P.S. Case No.408 of 2022 registered for the offences punishable under Sections 341, 323, 307, 504 and 506/34 of the Indian Penal Code and Section 27 of the Arms Act. The petitioner has got one criminal antecedent in which he is on bail.

3. As per the prosecution story, the allegation against the petitioner is that he had fired upon the brother of the informant which hit his right leg due to which he badly injured



and fell down.

4. Learned senior counsel for the petitioner submits that in the FIR it is alleged that five FIR named accused persons came on the land lashed with pistol and started abusing the father of the informant whereupon on objection raised by the informant's side, the accused persons started firing.

5. Learned senior counsel submits that the informant himself says that when the firing started he and others started fleeing away but thereafter he alleges that the firing made by this petitioner hit on the leg of the brother of the informant. It is submitted that the petitioner has been falsely implicated because the land in question is in the name of wife of the petitioner.

6. Learned A.P.P. for the State has though opposed the prayer for pre-arrest bail of the petitioner, but considering the facts and circumstances of the case, the general and omnibus kind of allegations and then the injury allegedly caused on the leg and not on a vital part of the body, in the nature of the allegations, this Court directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional



Judicial Magistrate, Daudnagar, District-Aurangabad in connection with Daudnagar P.S. Case No. 408 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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