

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28604 of 2023**

Arising Out of PS. Case No.-175 Year-2022 Thana- KONCH District- Gaya

Narendra Kumar @ Naro Son Of Late Kamata Prasad Singh Resident Of
Village- Chhatihar, Ps- Konch, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindeswari Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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

4 28-08-2023 Heard learned counsel for the petitioner, learned counsel
for the informant and learned Additional Public Prosecutor for the
State.

2. Petitioner seeks bail who is in custody since 04.02.2023
in connection with Konch P.S. Case No. 175 of 2022, F.I.R. dated
08.05.2022 for the offences punishable under Sections 341, 323, 307,
354, 386, 504, 506 and 34 of the Indian Penal Code along with
Section 27 of the Arms Act.

3. According to prosecution case, the informant was
alleged to have been assaulted and beaten on demand of rupees five
lakh as extortion money.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case due to admitted land dispute between the parties. He
further submits that as per the allegation in the F.I.R., the petitioner
has fired upon the informant and he has sustained injury in his leg,
but the injury report of the informant does not support that he has
received any firearm injury in his leg. He further submits that injury



report and supplementary injury report of the informant suggests that although the injury is grievous in nature but caused by hard and blunt substance. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 04.02.2023.

5. Learned counsel for the informant as well as State on the other hand vehemently opposed the prayer for bail of the petitioner and submits that it has come in Paragraph No.- 78 of the case diary that the petitioner has received bullet injury but the report of the private hospital is not attached with the case diary and finally the report suggested that the informant has received grievous injury caused by the hard and blunt substance. Learned counsel for the informant further submits that the petitioner has carried four antecedent other than the present one but fairly submits that out of four cases, the petitioner has been acquitted in one case and in other two cases, in one case, petitioner is on bail and in another case, the police has submitted final report in favour of the petitioner and one case is pending for consideration.

6. 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, Gaya, in connection with Konch P.S. Case No. 175 of 2022, subject to the following conditions:-



i. 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.

ii. 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.

iii. 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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