

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27479 of 2023

Arising Out of PS. Case No.-712 Year-2022 Thana- BEGUSARAI TOWN District- Begusarai

Bishundeo Sah @ Visundev Sah S/O Late Niras Sah @ Liras Sah Resident of
Ward No.- 5, Village- Kamruddinpur, P.S.- Muffasil (Singhaul O.P.), Ullas,
District- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abul Kalam, Adv.

For the Opposite Party/s : Mr. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 06-06-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Town P.S. Case No. 712 of 2022 dated 28.11.2022 lodged under
Sections 302/ 120(B) of the I.P.C. read with Section 27 of the
Arms Act.

As per the prosecution case, the present criminal case
has been lodged against three known accused persons including
the present petitioner. The allegation of firing is upon accused
no. 1 and accused no. 2 and allegation of threatening is against
all the three accused persons.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. Counsel submits that from the allegation made in the F.I.R., it transpires that the informant has seen the occurrence and he himself is the eye witness who disclosed the name of two accused persons, namely, Rakesh Kumar and Raushan Kumar to fire but there is no specific averment against the present petitioner. Counsel further submits that one year earlier from the date of occurrence, threatening was made by all the three accused persons to kill the informant's son and it is due to this reason, the name of petitioner has inserted in the F.I.R. being a conspirator.

Counsel for the petitioner submits that the petitioner is in custody since 27.11.2022 and he is aged about 67 years and one criminal case is pending against him in which he is on bail. Counsel submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the Court.

Learned counsel for the State opposes the prayer for bail and submits that the name of petitioner is there in the F.I.R. as the petitioner has also threatened the informant and his family.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to

the satisfaction of learned Judicial Magistrate- 1st Class, Begusarai in connection with Town P.S. Case No. 712 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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