

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28431 of 2023

Arising Out of PS. Case No.-183 Year-2022 Thana- DANAPUR RAIL P.S. District- Patna

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DEVRAJ SON OF SHRI VIJAY KUMAR GUPTA RESIDENT OF
VILLAGE DARIYAPUR DATIYANA PS BIKRAM DIST PATNA BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Kant Kumar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-07-2023 Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned A.P.P. for the State.

The petitioner seeks bail in connection with Danapurt
(Bihata) Rail P.S. Case No. 183 of 2022 registered for the offence
under Sections 341, 323, 324, 326, 307, 504/34 of the Indian
Penal Code and Section 27 of the Arms Act.

The petitioner along with others are alleged to have
opened fired upon the informant causing him bullet injury on his
thigh.

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
the petitioner has not been named in the F.I.R., however, his name
transpired in this case on the basis of confessional statement of



the co-accused, Sunny Kumar. He further submits that it is not clear from the F.I.R. as to who has opened fire upon the informant causing him bullet injury on his thigh. He further submits that though the informant has sustained bullet injury but not sustained on the vital part of his body. Moreover, co-accused, Aditiya @ Aditiya Kumar @ Suraj Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 24.05.2023 passed in Cr. Misc. No. 28243 of 2023. 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 12.12.2022.

Learned counsel for the informant and learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the petitioner was instrumental in the alleged occurrence.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Patna in connection with Danapur (Bihta) Rail P.S. Case No. 183 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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