

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34947 of 2022

Arising Out of PS. Case No.-421 Year-2021 Thana- RAFIGANJ District- Aurangabad

Chhotu Kumar @ Dhananjay Singh Son Of Nirmal Kumar Singh @
Sakaldeep Singh @ Sakaldeo Singh Resident Of Village- Gaji Karma, P.S.-
Kasma, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-01-2023 Learned counsel for the petitioner is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the State in virtual court proceedings.

Petitioner seeks bail in a case registered for the offences punishable under Section 307 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case in brief is that on 28.12.2021 the informant was gossiping with two persons near a goomty at bus stand Rafiganj. The petitioner came and took out a pistol from his waist and fired bullet which hit the informant on his right side of chest. The informant tried to apprehend the petitioner, but the petitioner assaulted him with butt of pistol on



his head, due to which he fell on the ground and nearby people came to took him to hospital for treatment.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case due to previous land dispute. He further submits that the allegation as alleged in the F.I.R. is false and fabricated as petitioner has committed no offence. He further submits that injury report of the victim Ranjeet Kumar Singh suggests that the injury no. 1 caused by gun shot and is grievous in nature whereas injury no. 2 was found as simple and caused by hard and blunt substance. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 15.01.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries six more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Rafiganj P.S. Case No. 421 of 2021, 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 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 witness, 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 antecedents, 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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