

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34445 of 2023

Arising Out of PS. Case No.-5 Year-2023 Thana- KARJAIN District- Supaul

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1. VIJAY KUMAR Son of Ghanshyam Sharma
 2. Dev Kumar Sardar Son of Ram Narayan Sardar
- Both are Resident f Village Bhapatiyahi, PS- Bhaptiyahi, District- Supaul
3. Pradip Kumar Son of Late Satya Narayan Yadav Resident of Village-
Gadhia, PS- Bhapatiyahi, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioners and the
learned APP for the State.

The petitioners are in judicial custody in connection
with Karjain P.S. Case No.05/2023 instituted under Sections
341,307/34 of the IPC and under Section 27 of the Arms Act
lodged on 03.01.2023 by the informant Vikash Kumar @
Tuntun.

As per the prosecution story, the allegation against
three petitioners is of indiscriminate firing made on the



informant who according to the FIR survived the said firing as the bullet crossed his cloth and also damaged his four wheeler.

Learned counsel for the petitioners submit that it is unimaginable that twice indiscriminate firing took place but the informant who was driving the vehicle did not receive a single bullet injury. It is submission that the informant being in political field due to village rivalry implicated these petitioners who are opposed to work being done by his wife, a 'Mukhiya'. The last submission is that none of the petitioners have criminal antecedent.

Learned APP opposes the prayer stating that their presence have been found at the place of occurrence.

To this learned counsel for the petitioners submit that being a village persons, it is not uncommon of their presence in the village itself and that cannot be a ground for implication. He reiterates that despite indiscriminate firing there was no bullet injury to the informant.

Considering the aforesaid submission on behalf of the petitioners as also that they are in custody since 18.01.2023 (as stated in para-12 of the petition) and none of the petitioners have criminal antecedent, this Court is inclined to grant them privilege of bail.



If however it is found that any of the petitioner has criminal antecedent, the bail order relating to the said petitioner shall become infructuous.

Let the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Karjain P.S. Case No.05/2023 to the satisfaction of learned A.C.J.M., Birpur (Supaul), subject to following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;



(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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