

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35601 of 2023

Arising Out of PS. Case No.-1253 Year-2022 Thana- BIHTA District- Patna

NAVIN KUMAR S/O SRI RAI @ SRI NIVAS RAY R/O 27, Shivmahadev Dera, Katesar, P.S- Bihta, Distt.- Patna at present Village- Aamnabad, P.S- Bihta, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mithilesh Kr. Arya, Advocate
For the Informant	:	Mr. Ashok Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-10-2023 Heard Mr. Mithilesh Kumar Arya, learned counsel for the petitioner, Mr. Ashok Kumar Sinha, learned counsel appearing on behalf of the Informant and Mr. Anil Kumar, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Bihta P.S. Case No. 1253 of 2022, F.I.R. dated 23.11.2022 registered for the offences punishable under Sections 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegation against the petitioner is that he along with co-accused Ansuman Kumar @ Puten caught hold the informant due to prior dispute and started hurling abuse and when the informant prevented them from hurling abuses, then



Anshuman took out pistol from his waist and fired hitting the right thigh of the informant and due to which he fell down.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that there is no accusation of any assault or overt act attributed against the petitioner rather the allegation of firing attributed against co-accused namely Anshuman Kumar @ Puten that he took out pistol from his waist and fired upon the informant which hit the right thigh of the informant and he has sustained injured. Learned counsel for the petitioner further submits that due to previous dispute, the petitioner has been falsely implicated in the present case.

5. Learned counsel appearing on behalf of the Informant and learned APP for the State, on the other hand, on the basis of material available on record and case diary opposed the prayer for anticipatory bail of the petitioner but fairly submits that there is no accusation of any assault or overt act or firing against the petitioner but the petitioner carries three more cases other than the present one.

6. Considering the facts and circumstances of the case that there is no accusation of any assault or overt act or



firing against the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 A.C.J.M. I, Danapur, Patna in connection with Bihta P.S. Case No. 1253 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 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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