

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37241 of 2023

Arising Out of PS. Case No.-122 Year-2022 Thana- SALAKHUA District- Saharsa

PINKAL RAM @ PINKAL RAI @ SHATRUDHAN KUMAR Son of
Rajendra Ray @ Rajendra Ram Resident of village - Bariyahi, P.S. - Morkahi,
Distt. - Khagaria Petitioner/s

Versus

The State of Bihar Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-07-2023 Heard the parties.

The petitioner is in custody since 4.1.2023 in connection with Salkhua P.S. Case No. 122 of 2022 for the offence punishable under Sections 394, 307 of the I.P.C. and 27 of the Arms Act lodged on 27.5.2022 by the informant Md. Ehtesham.

The prosecution story, in brief, is that the informant Md. Ehtesham alleged that on on 25.5.2022 while he along with his son Aurangjeb reached near Sarabjeeta bridge, three accused persons stopped them on the point of pistol. Accused Pinkal Ram abused and put pistol upon his son. Accused Shivjee Mahto took out cash of Rs. 50,000/- from the pocket of Md. Aurangjeb while accused Gaurabh Ram gave order to Pinkal Ram to fire upon which he opened fire causing injuries which hit the rib of his son due to which he fell down. The accused persons fled away by a Pulsar motorcycle towards Sarbjeeta.



The police was informed and the injured was taken to Sadar Hospital, Khagaria from there to Begusarai for better treatment.

It is contention of the learned counsel for the petitioner that there is delay of 2 days in lodging of the FIR in which gave them time to incorporate the names of the accused persons including the petitioner herein and the allegation of firing on his son has been attributed. Further submission is that he has remained in custody since 4.1.2023 and do not have criminal antecedent and will abide by all the terms and conditions, if released on bail. Further submission is that he has remained in custody since 4.1.2023.

Learned APP opposes the prayer stating that the allegation of firing is against him.

Taking into account the fact that he is in custody since 4.1.2023 and there is delay of 2 days in lodging the FIR and petitioner do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions with strict conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-IV, Saharsa, in connection with Salkhua P.S. Case No. 122 of



2022 subject to the following conditions:

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

(ii) the petitioner 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 his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till conclusion of the trial to mark his attendance;

(iv) the petitioner 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 the bail bonds;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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