

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39789 of 2023

Arising Out of PS. Case No.-129 Year-2022 Thana- PARBATTa District- Khagaria

Iron Kumar @ Aryan Kumar S/O Rupesh Choudhary R/O Village- Sirajpur,
P.O- Temtha, P.S- Parbatta, Distt.- Khagaria. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-10-2023 Heard Mr. Anil Kumar Choudhary, learned counsel

for the petitioner and Mr. Atul Chandra, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Parbatta P.S. Case No. 129 of 2022, F.I.R. dated 20.03.2022 for the offences punishable under Sections 307, 34, 341, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, all the accused persons including the petitioner came at the house of the informant and one Bholi Choudhary opened fire upon the son of the informant which hits his neck and all the accused persons fled away.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the



petitioner has not committed any offences as alleged in the F.I.R. He further submits that it appears from the F.I.R itself that Bholi Choudhary has opened fire upon the son of the informant. He further submits that there is no accusation of any assault or overt act attributed against the petitioner. He further submits that the date of occurrence as alleged in the F.I.R is 18.03.2022 but the present F.I.R has been instituted on 29.03.2022 afterthought only to implicate the petitioner in the present false and fabricated case. He further submits that the petitioner and the informant are the agnates and due to previous dispute, this petitioner has been falsely implicated.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and there is no accusation of any assault or overt act or firing against the petitioner, let the petitioner, above named, in the event of 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/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Khagaria in connection



with Parbatta P.S. Case No. 129 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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.

ii. 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.

iii. 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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