

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40437 of 2023

Arising Out of PS. Case No.-649 Year-2020 Thana- DIGHA District- Patna

RATNESH KUMAR S/o- CHAITU RAY Village- Nakata Diara Ps- Digha
Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avinash, Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is in custody since 15.03.2023 in connection with Digha P.S. Case No. 649 of 2020 for the offence punishable under Sections 341, 307, 34 of the I.P.C. lodged on 20.12.2020 by the informant Upendra Prasad.

As per the prosecution story, the informant was in his field doing his farming when the accused persons came and started firing. Upon protest, allegation is that this petitioner opened fire causing injury on the shoulder of the informant, was rushed to the Patna Medical College & Hospital, Patna

Learned counsel for the petitioner submits that there is land dispute in which exaggerated F.I.R. has been made. It is submitted that it is not clear whether the injury is found to be serious in nature. Further, he has no criminal antecedent and



without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner (s) on its own would like to contribute towards the medical assistance of Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

Learned APP opposes the prayer stating that the petitioner opened fire causing injury.

Taking into account the submission put forward by the learned counsel for the petitioner, do no have criminal antecedent and will ultimately have to face the trial, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 10,000/-, as stated above.

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.- XIII, Patna in connection with Digha P.S. Case No. 649 of 2020 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 fortnight for next six months 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)

Jagdish/-Jyoti/-

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