

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40667 of 2023

Arising Out of PS. Case No.-30 Year-2022 Thana- RANIYATALAB District- Patna

MONU KUMAR S/O RAJENDRA VISHWAKARMA R/O VILLAGE-
SADAWAH, PS. DULHINBAZAR, DIST. PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Bhushan Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is an accused in connection with Sessions Trial No. 1144 of 2022 arising out of Ranitalab P.S. Case No. 30 of 2022 registered for the offences under sections 341, 323, 307, 379 and 34 of the Indian Penal Code and section 27 of the Arms Act lodged on 20.02.2022 by the informant, Amarjeet Vishwakarma.

As per the prosecution case, petitioner and other co-accused persons entered into the shop of the informant and co-accused Monu fired upon the informant with his country made revolver which hit the leg of the informant. Further allegation is that the petitioner also fired upon the informant but the same missed. It has been further alleged that while leaving, the miscreants took away Rs. 12,000/- and a gold chain from the



informant. Accordingly, the FIR.

Learned Counsel for the petitioner submits that though there is allegation of opening fire causing injury on his leg, there is no subsequent fire and had there been any intention to kill, the same could have been executed. Further, he has already suffered by being in custody since 10.08.2022 (as stated in paragraph 13 of the bail application) and do not have criminal antecedent.

It is further submitted that the another accused, Vijay Vishwakarma who has also opened fire which although did not hit the informant has since been released on bail vide Cr. Misc. No. 7181 of 2023 by a co-ordinate bench on 03.05.2023.

Further the submission is that 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. 15,000/- 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 for the State, on the other hand, opposes the prayer for bail stating that allegation of opening fire causing



injury on the leg on the petitioner.

Considering the aforesaid facts including the fact one of the co-accused has since been granted bail, he is in custody since 10.08.2022 and do not have criminal antecedent, this Court is inclined to extend him privilege of bail subject to payment of Rs. 15,000/- 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 the learned Additional Sessions Judge V, Danapur in connection with Sessions Trial No. 1144 of 2022 arising out of Ranitalab P.S. Case No. 30 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 for next one year to mark 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 his 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 the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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