

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44981 of 2023

Arising Out of PS. Case No.-104 Year-2022 Thana- SARAI RANJAN District- Samastipur

Adarsh Kumar @ Dipak Kumar Son Of Baijnath Rai @ Ray Resident Of
Village- Baruna Rasalpur Tole Jan Mohammedpur, Ps- Sarairanjan, Distt-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-09-2023 Heard learned counsel appearing on behalf of the

petitioner, learned counsel appearing on behalf of the informant
and learned and learned Additional Public Prosecutor for the
State.

2. Petitioner seeks bail who is in custody since
16.02.2023 in connection with Sarairanjan P.S. Case No. 104 of
2022, F.I.R. dated 02.05.2023 for the offences punishable under
Sections 341, 323, 324, 326, 307, 354, 504/34 of the Indian
Penal Code along with Section 27 of the Arms Act.

3. According to prosecution case, the petitioner is
alleged to have assaulted and fired upon the informant due to
admitted land dispute between them.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the



present case. He further submits that on instruction of **Baijnath Rai**, who is father of the petitioner, petitioner has fired upon the informant and due to that gun shot the informant has received injury in his left thigh. He further submits that there was no intention to kill the informant. Although there was a gun shot injury, it has not come to the light whether the injury is grievous or simple. He further submits that due to admitted land dispute, the present occurrence has taken place and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 16.02.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he has fired upon the informant. Apart from the aforesaid, the petitioner carries two criminal antecedent other than the present one but fairly submits that he is on bail in both the cases.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 C.J.M-IIIrd, Samastipur in connection with Sarairanjan P.S.



Case No. 104 of 2022, subject to the 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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