

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47981 of 2022

Arising Out of PS. Case No.-339 Year-2022 Thana- ARA NAGAR District- Bhojpur

ABHISHEK KUMAR Son of Deepak Ray Resident of Village - Jamira,
Police Station - Arrah (Muffasil), District - Bhojpur (Arrah).

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Vardhan Narayan, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 307/34 of the Indian Penal
Code and Section 27 of Arms Act.

According to prosecution case, in brief, is that on
13.04.2022 the informant left his village Jamira on his
motorcycle usual for his Dera. On Godhana Road, when he
reached about Canal's Chhalka which is situated within
Dharahara and Jamira. Five people for his own village came
from Jamira on two motorcycles Abhishek was driving a white



colour Apache Motorcycle, on which Brajesh Kumar and Sonu Kumar were sitting and other motorcycle was driven by Ram Ayodhya Rai on which Bharat Yadav was sitting. After that Bharat Singh shouted and said that shoot him, after this Brajesh Kumar @ Baja and Sonu Kumar started firing with pistol, as a result the informant got six bullets injuries and 2-3 bullets hit his bike. After this, they fled towards Dharahara. After that the informant tied his stomach with towel and informed at his house. Thereafter, family member came and admitted the informant at Hospital for his treatment. He further submits that the reason for the incident is a dispute in the Past Panchayat Election, in which two nephews of the informant were shot, due to this dispute, the accused shot and injured him.

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 it appears from the F.I.R. that there is direct allegation of firing against the co-accused namely, Brajesh Kumar @ Baja and Sonu Kumar and there is no allegation of any assault or overt-act against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 27.05.2022.



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

Considering the aforesaid facts and circumstances, petitioner has clean antecedent and the police after investigation submitted the charge sheet against the petitioner, 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 Court below where the case is pending in connection with Arrah (Town) P.S. Case No. 339 of 2022, subject to the following conditions:-

1. 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.

2. 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.

3. 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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