

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52335 of 2023

Arising Out of PS. Case No.-431 Year-2020 Thana- SAHPUR District- Bhojpur

RAHUL RAY @ RAHUL ROY SON OF LATE NAGENDRA RAY
RESIDENT OF VILLAGE- SUREMANPUR, PS-SHAHPUR, DISTT-
BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-08-2023 Heard the parties.

The petitioner is in custody in connection with Shahpur (Bahoranpur) P.S. Case No. 431 of 2020 for the offence under sections 147, 148, 149, 341, 323, 307, 386, 504, 506 of the Indian Penal Code and 27 of the Arms Act lodged on 24.12.2020 by the informant, Dhruv Ray.

As per the prosecution story, the allegation is that the petitioner fired upon the younger brother of the informant with a rifle causing injury on his leg. When the Police arrived, they fled towards other side of the border in the State of U.P. Accordingly, the F.I.R.

Learned counsel for the petitioner submits that he has annexed the injury report and there is no opinion regarding the



same being grievous in nature. Further, there is also a case and counter case to it, the case of the petitioner being earlier to the present case in which the petitioner also sustained injuries and is in custody since 01.05.2023 (as stated in paragraph 10 of the petition).

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 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 for bail stating that there is gun shot injury in his leg.

Taking into account the fact that there is case and counter case in the matter and from the injury report, it is not clear whether the same was grievous or not, it is not a vital part, is in custody since 01.05.2023, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to



the Trial Court.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara, in connection with Shahpur (Bahoranpur) P.S. Case No. 431 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/her 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 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)

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