

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51302 of 2023**

Arising Out of PS. Case No.-623 Year-2021 Thana- BIDUPUR District- Vaishali

Pratap Kumar Son of Sri Ram Sarekha Rai @ Ramshreshth Ray @ Sipahi  
Ray Resident of village - Harpur Gopal, P.S. - Bidupur, Distt. - Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav, Advocate  
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      21-08-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to  
remove the defect(s), as pointed out by the office, if any, within  
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since  
15.06.2023 in connection with Bidupur P.S. Case No. 623 of  
2021, F.I.R. dated 20.12.2021 for the offences punishable under  
Sections 307/34 of the Indian Penal Code and Section 27 of the  
Arms Act.

4. According to prosecution case, this petitioner along  
with other accused person intercepted the informant and his  
brother-in-law and the co-accused slapped the informant and  
this petitioner fired upon him resulting into firearm injury in his



left armpit.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that as per the allegation alleged in the F.I.R that the co-accused, namely, Jitendra Kumar slapped the informant and this petitioner fired upon him due to which the informant received injuries in his left armpit. He further submits that the injury report of the informant suggest that the injuries are caused by firearm and are simple in nature. The petitioner is in custody since 15.06.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one in which the police have filed final form in favour of the petitioner.

7. 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 Judicial Magistrate 1<sup>st</sup> Class, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 623 of 2021, 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)**

Vanisha/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

