

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53193 of 2023

Arising Out of PS. Case No.-314 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

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Anil Kushwaha @ Anil Prasad Son Of Late Jay Ram Prasad @ Jay Ram
Kushwaha Resident Of Village - Madhubani Ghat, Police Station - Muffasil
Motihari, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

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

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

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 24-08-2023 Learned counsel for the petitioner is permitted to

remove defect (s), as pointed out by the office, if any, within a

period of four weeks on resumption of physical mode.

2. Heard learned counsel for the petitioner and learned
A.P.P for the State.

3. The petitioner has preferred this application for
grant of regular bail in connection with Motihari Muffasil P.S
Case No. 314 of 2021 dated 18.06.2021 registered for the
offences punishable under Sections 147, 148, 149, 341, 323,
342, 324, 325, 307, 302 and 120 B of the Indian Penal Code,
Sections 25(1-B)a, 26, 27 and 35 of the Arms Act and Sections 3
and 4 of the Explosive Substance Act.



4. As per the prosecution case, the co-accused along with unknown miscreants are alleged to have shot the nephew of the informant, Nand Lal Shahni dead and the petitioner caused firearms injury to Kanhaiya Lal who is nephew of the informant.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The other co-accused person has already been granted bail by this Court *vide* order dated 17.08.2023 passed in Cr. Misc. No. 50755 of 2023. The petitioner is accused in one more criminal case as stated in para 3 of the bail petition. The petitioner is in custody since 24.05.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that there is specific allegation against the petitioner of firing on Kanhiya Lal Sahni.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of



the like amount each to the satisfaction of learned Court concerned, East Champaran at Motihari in connection with Motihari Muffasil P.S Case No. 314 of 2021, with the condition:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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