

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56473 of 2022

Arising Out of PS. Case No.-56 Year-2022 Thana- BANIAPUR District- Saran

Manu Dubey S/o Bashisth Dubey Resident of Village- Darhibandhi, P.S.-
Baniyapur, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

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

The prosecution case, in short, is that on 31.01.2022
at about 03:00 P.M. while the informant along with his wife and
son was satching his potato field to protect potatoes from
Langoor and when they were running away *Langoor*, the
accused persons came there and started abusing the informant.
Accused namely Muna Dubey started indiscriminate firing from
his pistol causing injury on chest, thigh and hands of the
informant's son and he fell down. Upon alarm, accused persons
fled away and injured was brought to Hospital.



Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that it transpires from the F.I.R. that there is no motive of the alleged occurrence and the bold statement is there that the petitioner makes indiscriminate firing upon the informant and his son and the son of the informant sustained injury. Although the injury of the injured person was examined by the doctor on 31.01.2022 but the doctor has signed the injury report on 05.07.2022 and 23.10.2022 after more than six months of the date of occurrence and the nature of injury suggests that the injury is grievous in nature caused by firearm and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 07.05.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, the petitioner having clean antecedent and the police has submitted chargesheet against the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below



where the case is pending in connection with Baniyapur P.S.
Case No. 56 of 2022, with 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 witness, 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 antecedents, 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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