

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57727 of 2023

Arising Out of PS. Case No.-142 Year-2023 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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Nepali Dixit @ Angad Kumar S/O Jagdeep Pandey Resident Of Village
Akodhi P S Belaon District Kaimur At Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashutosh Tripathy, Advocate
For the Opposite Party/s : Mr.Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-10-2023 Heard Mr.Ashutosh Tripathy, learned counsel for the

petitioner and Mr.Anil Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Bhagwanpur (Belaon) P.S.Case No.142 of
2023, FIR dated 26.05.2023 registered for the offences
punishable under Sections 307,326,504,506 of IPC and Section
27 of Arms Act.

3. Allegation against the petitioner is that he fired
from pistol due to which Rajesh Seth got injured.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case.
Further submits that it appears from the FIR that the informant



is not the eye witness of the alleged occurrence and the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that it has come during investigation in para-36 of the case diary that the statement of the injured person, namely, Rajesh Seth was recorded in which he has not stated anything about the petitioner and he has categorically stated that he has not seen that who fired upon me.

5. Learned APP for the State, on the other hand, on the basis of the material available on the record and the case diary, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that from a bare perusal of the FIR it appears that there is direct and specific allegation against the petitioner that he fired upon the victim and number of witnesses have supported the case of the prosecution including the informant but fairly submits that it has come during investigation in para-36 of the case diary that the injured person, namely, Rajesh Seth has not stated anything about the petitioner and apart from the aforesaid, the petitioner carries two more cases other than the present one.

6. Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the



court below within a period of thirty days from the date of receipt of the order, 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 learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Bhagwanpur (Belaon) P.S.Case No.142 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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/her absence on two consecutive dates without sufficient reason, his/her bail bonds shall be cancelled by the Court below.

(II) If the petitioner tamper 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/her 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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