

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58393 of 2023

Arising Out of PS. Case No.-203 Year-2022 Thana- SARMERA District- Nalanda

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PRAVIN KUMAR @ SONI LAL S/O MITHILESH PRASAD RESIDENTS
OF GAUSH NAGAR POLICE STATION SARMERA DISTRICT
NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sarmera
P.S. Case No. 203 of 2022 registered for the offence under
Sections 307, 324, 34, 504 of the Indian Penal Code and Section
27 of the Arms Act.

The petitioner is alleged to have resorted firing upon
the informant but somehow he managed to save his life due to
which he has assaulted him with the butt of the pistol.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
on bare perusal of the F.I.R., it appears that the petitioner
allegedly opened fire upon the informant but the bullet did not



hit the informant and assaulted the informant by the butt of the pistol causing him head injury. He further submits that there is previous dispute going on between the parties on account of same, this false case has been lodged against the petitioner. He further submits that initially the injury report of the informant suggest that the injury No. 1 is opined to be simple in nature and opinion has been kept reserved for injury Nos. 2 and 3 thereafter the doctor opined that injury Nos.2 and 3 need expert and radiological opinion. He further submits that there was no intention to kill the informant. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 31.05.2022.

Learned A.P.P. for the State opposed the prayer for bail of the petitioner and submits that there is direct allegation of firing against the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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, Nalanda at Biharsharif in connection with Sarmera P.S. Case No. 203 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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)

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