

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59942 of 2023

Arising Out of PS. Case No.-1505 Year-2022 Thana- DANAPUR District- Patna

BIR BAHADUR RAI @ BIR BAHADUR RAY son of Katar Rai @ Kattar
Ray village- Chaudharana Road Danapur Ps- Danapur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kripa Nand Jha, Advocate
For the Informant	:	Mr. Santosh Kumar Singh, Advocate
For the State	:	Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-12-2023 Heard Mr. Kripa Nand Jha, learned counsel for the petitioner, Mr. Santosh Kumar Singh, learned counsel appearing on behalf of the Informant and Mr. Abhay Kumar Roy, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Danapur P.S. Case No. 1505 of 2022, F.I.R. dated 20.12.2022 registered for the offences punishable under Sections 147, 148, 149, 323, 337, 324, 307 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegation against the petitioner is that he fired upon the informant and the informant has sustained injury on the left shoulder.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely



implicated in the present case due to previous election dispute and there is case and counter case between the parties. He further submits that as per allegation in the F.I.R. that the petitioner has fired upon the victim and he received injury in upper part of shoulder but the injury report of the informant suggests that although he has received injury but the injury report is simple in nature caused by firearm injury.

5. Learned counsel appearing on behalf of the Informant as well as learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioner and submit that there is direct and specific allegation against the petitioner that he has fired upon the informant and he has received injury.

6. Considering the facts and circumstances of the case, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Danapur, Patna in connection with Danapur P.S. Case No. 1505 of 2022, subject to the conditions as laid down under Section 438(2) of



the Code of Criminal Procedure and with other 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 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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