

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70805 of 2021

Arising Out of PS. Case No.-273 Year-2021 Thana- CHAPRA MUFFASIL District- Saran

RAVI SHANKAR KUMAR Son of Late Sarayug Ray Resident of village -
Methwaliya, P.S.- Mufassil, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Zeyaul Hoda, Advocate

For the Opposite Party/s : Mr.Kalyan Shankar, APP

For the informant : Mr. Jeetendra Narayan, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 03-01-2023 Heard the learned counsel for the petitioner and
the learned APP for the State.

The petitioner seeks regular bail in connection
with Chhapra Mufassil PS case no. 273 of 2021 instituted for
the offences punishable under Sections 307/34 of the Indian
Penal Code and Section 27 of Arms Act.

The case of the prosecution in brief, according to
the informant, is that on 24.06.2021 at about 7 am, while he
along with his brother had proceeded to his house at Umadha
and had reached near Vastu Bihar, all the accused persons riding
on motorcycles, had surrounded the informant and his brother,
whereafter the petitioner had fired gun shots, resulting in the
informant receiving firearm injury, which is stated to be
grievous in nature.



The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 10.09.2021. The learned counsel for the petitioner has further submitted that the petitioner is an accused in one other case but he is on bail in the said case. It is also submitted that the petitioner undertakes to appear before the learned court below, in the on-going trial, on each and every date so fixed and in case of any default, it be directed that the liberty being granted to the petitioner by way of being admitted to the privilege of bail, be cancelled.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner is languishing in custody since more than one year and four months, the injury sustained by the informant is not life threatening, I deem it fit and appropriate to grant benefit of doubt to the petitioner for the purposes of grant of bail but subject to certain conditions.

Accordingly, the abovenamed petitioner is directed to



be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate IX, Saran at Chapra in connection with Chapra Mufassil PS case no. 273 of 2021.

It is needless to state that the petitioner shall appear on each and every date, so fixed by the learned court of Additional Chief Judicial Magistrate IX, Saran at Chapra in connection with Chapra Mufassil PS case no. 273 of 2021 in the on-going trial and any default on his part would entail automatic cancellation of the bail being granted to the petitioner herein and he shall be taken into custody, forthwith.

(Mohit Kumar Shah, J)

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