

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67925 of 2022

Arising Out of PS. Case No.-134 Year-2021 Thana- UDAKISHUNGANJ District-
Madhepura

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Purshottam Kumar @ Purushottam Kumar S/o Ramanand Rai R/v- Barahi,
Ward No. 10, P.S.- Udakishunganj, District- Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the Opposite Party/s : Ms. Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
27.06.2022 in connection with Udakishunganj P.S. Case No.
134 of 2021, F.I.R. dated 26.04.2021 for the offences punishable
under Sections 341, 323, 307, 504/34 of the Indian Penal Code.

According to prosecution case, the petitioner along
with other accused persons assaulted the informant and his
family members. It is further alleged that the accused Ramanand
Rai ordered his son (petitioner) to shoot the informant. Upon



this the petitioner with intention to kill, fired at informant's son causing injury in his head and right hand's finger and he fell down.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case due to admitted land dispute and there is case and counter case between the parties. He further submits that the allegation as alleged in the F.I.R. is that the petitioner has fired upon the son of the informant and the injury report also corroborate with the allegation as alleged in the F.I.R. He further submits that the injury report suggest that the injury is grievous in nature. He further submits that there is no intention to kill the son of the informant. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Ramanand Rai has been granted bail by a co-ordinate Bench of this Court vide order dated 16.05.2022 passed in Cr. Misc. No. 67948 of 2021. The petitioner is in custody since 27.06.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let



the petitioner, above named, be released on bail **after framing of charge, if not framed**, and on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1, Udakishunganj, District- Madhepura in connection with Udakishunganj P.S. Case No. 134 of 2021, subject to 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 witnesses, 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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