

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64463 of 2022

Arising Out of PS. Case No.-516 Year-2022 Thana- KHAJANCHI HAT District- Purnia

NANDU KUMAR @ RAJ Son of Late Purushottam Singh Resident of
Village - Basant Bihar, P.S.- K. Hat (Maranga), District - Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha, Adv.

For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with K. Hat
(Sahayak) P.S. Case No. 516 of 2022 registered for the
offence under Sections 307/34 of the Indian Penal Code and
Section 27 of the Arms Act.

The petitioner along with others are alleged to
have shot fired upon the chest of the brother of the
informant due to which he sustained bullet injury.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that there is
general and omnibus allegation against the petitioner and no



specific allegation of overt act is attributed to him. He further submits that the specific allegation of firing is attributed to the co-accused, Subham Kushwaha who fired upon the chest of the brother of the informant. He further submits that father of the co-accused Rajesh Kumar has lodged a case bearing K. Hat (Sahayak) P.S. Case No. 217 of 2022 for the same set of facts. The petitioner has not played any pivotal role in the alleged occurrence. 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 10.08.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

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, Purnia in connection with K. Hat (Sahayak) P.S. Case No. 516 of 2022/ G.R. No. 2507 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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