

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66300 of 2022

Arising Out of PS. Case No.-656 Year-2021 Thana- FATUA District- Patna

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Anil Rai S/o Late Rajendra Rai R/v- Janki Tola., P.S.- Fatuha, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-02-2023 Heard Mr. Anil Kumar, learned counsel
appearing on behalf of the petitioner and Mr. Ram
Sevak Choudhary, learned Additional Public
Prosecutor for the State.

The petitioner seeks regular bail, who is
in custody in connection with Fatuha P.S. Case No.
656 of 2021 registered for the offences punishable
under Sections 447, 341, 323, 325, 307, 504 and
506/34 of the Indian Penal Code and Section 27 of
the Arms Act.

It is alleged by the informant that on
01.09.2021, the FIR named accused persons
including the petitioner entered into his house and
started misbehaving with daughter-in-law of his



brother, which was protested by his family members, thereupon all the accused persons made indiscriminate firing. It is also alleged that this petitioner fired upon Saryug Rai due to which he sustained firearm injury over his thigh.

Learned counsel appearing on behalf of the petitioner submits that the falsity of the case is evident from the injury report, wherein the injury sustained over the injured has been found to be simple in nature and, moreover, other co-accused persons having identical allegation, have been allowed the privilege of bail by the learned Co-ordinate Benches of this Court. He next submits that, in fact, both parties are agnates and on account of some trifling issues, free fight took place, which resulted into the injuries to both the parties. However, the case which has been instituted by the members of the petitioner, that has not been registered by the police. Lastly, he submits that now the petitioner is in custody for over a period of nine months and the charge-sheet has been submitted.



On the other hand, learned counsel for the State opposes the bail application and submits that specific allegation of firing has been levelled against the petitioner causing injury.

Regard being had to the submissions made on behalf of the parties and considering the nature of injury and the fact that other co-accused persons having similar allegation, have been allowed the privilege of bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Patna City, Patna in connection with Fatuha P.S. Case No. 656 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the



evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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