

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70279 of 2022

Arising Out of PS. Case No.-23 Year-2022 Thana- SANDESH District- Bhojpur

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Dipak Kumar, Son of Jitendra Singh, Resident of Village- Rupchakiya, P.S.-
Chandi, District- Bhojpur.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Ataul Haque, Advocate

For the Opposite Party/s : Mr.Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-03-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Sandesh
P.S. Case No. 23 of 2022 registered for the offence under
Sections 504, 307, 34 of the Indian Penal Code and Section 27
of Arms Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 31.08.2022.

The allegation against the petitioner is to fire upon
informant and others alongwith unknown co-accused persons,
causing firearm injury on his legs, where firing was alleged to
be made by pillion rider. Informant claims to identify the



assailants as per FIR.

Learned counsel appearing on behalf of the petitioner submitted that name of petitioner surfaced during the course of investigation on the basis of confessional statement of co-accused, namely, Vishun Ray, in furtherance of which no incriminating material/firearm recovered/surfaced, which may connect petitioner, prima facie, with the present occurrence of firing. It is also submitted that even as per confessional statement, this petitioner was driving the motorcycle, where it is clear from the face of FIR that firing was alleged to be made by pillion rider and in such circumstances, it can be safely gathered that it was not the petitioner, who opened the fire upon the informant/injured. It is also submitted that despite of the claim of the informant/injured/eye witness of the occurrence, no TIP of petitioner was conducted as yet. While concluding the argument, it is submitted that petitioner found involved in 2 criminal cases, where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned



above, as save and except confessional statement, no incriminating material recovered/surfaced during the course of investigation to connect petitioner, prima facie, with the present occurrence, coupled with fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sandesh P.S. Case No. 23 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhojpur at Ara/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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