

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71041 of 2022

Arising Out of PS. Case No.-257 Year-2021 Thana- BARAUNI District- Begusarai

PURAN NISHAD Son of Govind Nishad Resident of village - Malahipur
Bind Toli, P.S.- Barauni (Chakiya), District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Perna Anand, Adv.

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Barauni
(Chakiya) P.S. Case No. 257 of 2021 registered for the offence
under Sections 302 and 34 of the Indian Penal Code and Section
27 of the Arms Act.

The petitioner and others are alleged to have fired
indiscriminately due to which the husband of the informant
sustained gun shot injury in his stomach.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that in fact the informant is not the
eye witness to the alleged occurrence and merely on the basis of
suspicion, the petitioner has been made accused in this case. He



further submits that it appears from the F.I.R. that no specific allegation of firing is attributed to the petitioner rather there is general and omnibus allegation has been levelled against him including the other co-accused persons. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. Moreover, the co-accused, namely, Dilip Nishad and Indradeo Nishad @ Inddeo Nishad have already been granted bail by a co-ordinate Bench of this Court vide order dated 17.05.2022 and 13.03.2023 passed in Cr. Misc. No. 70438 of 2021 and Cr. Misc No. 71162 of 2022, respectively. The petitioner is rotting in judicial custody since 13.09.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries four 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 Judicial Magistrate-1st Class, Begusarai in connection with Barauni (Chakia O.P.) P.S. Case No. 257 of 2021 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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