

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75185 of 2022

Arising Out of PS. Case No.-81 Year-2021 Thana- MOTIHARI MUFASIL District- East
Champaran

PREM DAS Son of Late Niranjan Das R/o Village - Rulahi, P.S.- Motihari
Mufassil, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Raju Kumar Ms. Diksha Kumari, Advocates
For the Informant	:	Mr. Sanjay Kumar, Advocate
For the Opposite Party/s	:	Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 15-05-2023 Heard Mr. N.K. Agrawal, learned Senior counsel for
the petitioner, Mr. Sanjay Kumar, learned counsel appearing on
behalf of the Informant and learned APP for the State.

Petitioner seeks bail, who is in custody since
13.10.2022, in connection with Motihari Muffasil P.S. Case No.
81 of 2021, F.I.R. dated 15.02.2021 registered for the offences
punishable under Sections 326, 307, 120(B) of the Indian Penal
Code and Section 27 of the Arms Act.

The prosecution case, in short, is that the son and
nephew of the informant were coming home then co-accused
persons including the petitioner intercepted them and accused
petitioner took out his pistol and fired on them upon which the



son of the informant sustained injuries on his stomach and thigh.

Learned counsel for the petitioner submits that the petitioner carries three more cases other than the present one in which he is on bail and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 13.10.2022.

Learned APP for the State as well as learned counsel appearing on behalf of the Informant, on the other hand, have vehemently opposed the prayer for bail of the petitioner and submits that there is direct allegation against the petitioner that he shot fire upon the son of the informant and the medical report of the son of the informant also supported the allegation as alleged in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with



Motihari Muffasil P.S. Case No. 81 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 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 witness, 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 antecedents, 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)

Ibrar//-

U		T	
---	--	---	--

