

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74611 of 2022

Arising Out of PS. Case No.-115 Year-2022 Thana- PALIGANJ District- Patna

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Nishant Kumar Son Of Kanhaiya Lal Yadav @ Kanahaiya Lal Yadav R/O
Village- Gowari, P.S.- Sigori, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 03.05.2022 in connection with Pali Ganj P.S. Case No. 115 of 2022, F.I.R. dated 26.03.2022 for the offences punishable under Sections 341, 323, 307, 427, 504 and 34 of the Indian Penal Code and Section 27 of the Arms Act. But the police submitted the charge sheet under Section 341, 323, 307, 427, 504, 34 of the Indian Penal Code.

According to the prosecution case, in brief, is that on 26.03.2022 at about 7.00 P.M. some unknown motorcycle driver caused accident of Awadesh Kumar at which Awadhesh Kumar felt on the ground and he sustained minor injury. The informant then caught the motorcycle driver and asked him to get the



injured treated and at that time the present petitioner along with five other accused persons came there and started to abuse the informant and they also freed the unknown motorcycle driver and thereafter all the accused persons together entered into the house of Ram Manohar Yadav and damaged his table chair and motorcycle. It is further alleged that the accused persons also brutally assaulted a goat which was tied there and the present petitioner, Nishan Kumar fired with pistol, which struck in the stomach of Soni Devi and the other co-accused persons assaulted the father of the informant with lathi on his head. Thereafter, the accused persons threatened the informant to face dire consequences.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the F.I.R. is in two parts, in first part, there is general and omnibus allegation against all the accused persons including the petitioner and in second part, there is specific allegation of firing is attributed against the petitioner that who fired upon the victim. He further submits that the alleged act of firing opened on account of grave and sudden provocation between the parties on account of petty dispute of motorcycle



and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 03.05.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the basis of material available in the case diary and submits that the allegation against the petitioner is that he fired upon the victim and she sustain injury and the injury report also support the allegation as alleged in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned S.D.J.M., Danapur, Patna in connection with Paliganj P.S. Case No. 115 of 2022, subject to 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 witnesses, 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 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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