

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2701 of 2023

Arising Out of PS. Case No.-471 Year-2022 Thana- PHULWARISHARIF District- Patna

AHASHAN KHAN @ MONU S/o Akbar Alam Khan R/o Millat Colony
Sector-3, P.S.- Phulwarisharif, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Adv. Mr.Sadanand Paswan, Adv.
For the Opposite Party/s :		Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 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
Phulwarisharif P.S. Case No. 471 of 2022 registered for the
offence under Sections 307/34 of the Indian Penal Code and
Section 27 of the Arms Act.

The petitioner along with his companions are
alleged to have fired upon the informant due to which, he
sustained gunshot injury on his right elbow.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that it appears
from the FIR that the allegation of firing is attributed to the



petitioner causing injury in the right elbow of the informant. He further submits that the injury report of the informant suggests that he has got only one injury on his right elbow which is a non-vital part of the body. He further submits that there was no intention of the petitioner to kill the informant as no repetition of firing is made at his instance. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 22.09.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently 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 A.C.J.M.-XIV, Patna in connection with Phulwarisharif P.S. Case No. 471 of 2022 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)

Ajay Singh/-

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