

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7181 of 2023

Arising Out of PS. Case No.-30 Year-2022 Thana- RANIYATALAB District- Patna

Vijay Vishwakarma @ Vijay Mistry, Son of Late Lala Vishwakarma, Resident
of Village- Bara, P.S.- Rani Talab, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Bhushan Mishra, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 1144 of 2022 arising out of Ranitalab P.S. Case No. 30 of 2022 for the alleged offences under Sections 341, 323, 307, 379 and 34 of the Indian Penal Code.

3. As per prosecution case, petitioner and other co-accused persons entered into the shop of the informant and co-accused Monu fired upon the informant with his country made pistol and the shot hit in the leg of the informant. Further allegation is that the petitioner also fired upon the informant but the shot missed him. While leaving the miscreants took away Rs. 12,000/- and a gold chain from the informant.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. For an occurrence of 05.02.2022, the fardbeyan was recorded on 10.02.2022 and the FIR was registered on 20.02.2022 but there is no explanation for the delay. Petitioner has not caused any injury and only injury which has found was caused by co-accused and it is not on any of the vital part. So there could be no application of Section 307 of IPC. The allegation of theft is merely ornamental. Petitioner is in custody since 06.05.2022 and charge sheet has been submitted. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for bail submitting that the petitioner and other co-accused entered into the shop of the informant and they fired upon him.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there appears no intervening circumstance in the present case to stop the perpetrators to execute their plan of murder and still no fatal injury was caused and further considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail



bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Danapur, Patna/court concerned in connection with Sessions Trial No. 1144 of 2022 arising out of Ranitalab P.S. Case No. 30 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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