

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6414 of 2024

Arising Out of PS. Case No.-736 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Pintu Kumar Swarnkar @ Pintu Swarnkar, Son of -Rajendra Prasad Swarnkar,
Resident of village- Bataraha, P.S. Saharsa Sadar, District- Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 17-02-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The Petitioner apprehends his arrest, in connection with Saharsa Sadar P.S. Case No. 736 of 2023 dated 17.10.2023, registered for the offences punishable under Sections 341, 323, 307, 385, 504, 506, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case as emerges from the FIR is that on 07.10.2023 at about 2:30 pm when the informant was returning home from his shop, the accused persons including the Petitioner stopped him near Hanuman Chowk and demanded Rs. 10,000/- and on refusal they assaulted him with fist and leg. It is also alleged that Pintu Swarnkar and Banka Yadav fired at the informant with the intention to kill him. However, the informant saved himself with the help of nearby people gathered around.



4. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case and on account of enmity between informant and the Petitioner, as one case i.e Saharsa P.S. Case No. 737 of 2023 has earlier been lodged by the Petitioner for the offence punishable under Sections 341, 323, 384,504,506,34 of the Indian Penal Code. He further submits that as per the FIR there is only physical assault and no one has got fire arm injury and hence, the allegation of firing of the firearm is superfluous and the same is made with intent to make the case serious. He further submits that the Petitioner has one criminal antecedent in which he is on bail. He also submits that the dispute between the parties has been settled by way of compromise.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

7. Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioner, above-named, to be enlarged on bail in the event of his arrest or surrender before the court below within a period of eight weeks



from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Saharsa, in connection Saharsa Sadar P.S. Case No. 736 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has given wrong statement regarding his criminal antecedents, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

8. Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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