

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15879 of 2024

Arising Out of PS. Case No.-730 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

Dhananjay Ray @ Dhananjay Kumar, S/o Manoj Ray, R/o Village- Ward -02,
Chandpur Dhamaun, P.S.- Patori, District- Samastipur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 11-09-2024 Heard Mr. Surendra Kumar Singh, learned Advocate
for the petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Patori P.S. Case No. 730 of 2023 registered for the offences punishable under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The FIR is based on the fardbeyan of the informant, whose statement was recorded in Patna Medical College and Hospital on 24.11.2023, wherein he alleged that on 23.11.2023, at about 07:30 AM, while he was walking, in the meantime, petitioner and co-accused Himanshu Kumar, who were respectively armed with rifle and country made pistol, fired upon him, due to which he sustained one bullet injury in his left thigh, which is attributed to the petitioner. So far the firing



allegedly made by Himanshu Kumar is concerned, the same did not hit to the informant. Further allegation has been made that other accused persons, including the petitioner, were also indulged in pelting stones and bricks.

4. Learned Advocate for the petitioner contended that the deliberations and false implication of the petitioner cannot be ruled out for the simple reason that the occurrence took place on 23.11.2023, but without any information to the police the injured was taken to the hospital, where his fardbeyan was recorded on 24.11.2023 by the Sub Inspector of the Police, but surprisingly, the F.I.R. has instituted on 26.11.2023. Despite the aforementioned fact, the F.I.R. has been sent to the Court of learned Magistrate on 04.12.2023, in complete defiance of the Section 157 (1) of the Code of Criminal Procedure. Learned Advocate for the petitioner further contended that in a case where two persons have resorted to firing, it is very difficult for the injured to narrate the entire incident in such a precision that whose bullet hit him. It is also the contention of the learned Advocate for the petitioner that the entire occurrence took place in the premise of long standing dispute between the parties. There is a title suit, bearing Title Suit No. 17 of 2023, filed by the grandfather of the petitioner, which is pending before the Civil Judge (Senior Division), Sahpur Patori, Samastipur. The persons of



both the sides are agnates and there is a Partition Suit No. 08 of 2023 pending between them. The proceedings under Sections 144/145 of the Cr.P.C are also pending. It is lastly contended that be that as it may, now the petitioner has been incarcerated since 26.11.2023 and the case has been committed to the Court of Sessions.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner has been made accused with specific allegation that he caused serious injury by making firing over the informant, however, he survived fortunately.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the F.I.R. and sending it much belatedly to the learned Magistrate and the long standing land dispute between the parties, coupled with the period of custody, this Court deems it proper to **release the petitioner on bail after framing of the charge by the learned court below.**

7. Let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Samastipur in connection with Patori P.S. Case No. 730 of 2023, **after**



framing of the charge in the case, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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