

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14740 of 2024

Arising Out of PS. Case No.-480 Year-2023 Thana- SABAUR District- Bhagalpur

Abhishek Kumar Son of Late Yogendra Mandal R/o Village- Babupur, Ward
No.4, P.S.- Sabour, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sharda Nand Mishra, Advocate
For the State	:	Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-03-2024 Heard Mr. Sharda Nand Mishra, learned counsel for

the petitioner and Mrs. Pushpa Sinha, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Sabour P.S. Case No. 480 of 2023, F.I.R. dated 01.09.2023 for the offences punishable under Sections 341, 323, 307, 34, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, petitioner and others co-accused persons are said to have come outside the house of the informant and started abusing him and threatened with dire consequence. On protest, one Ashish Kumar opened fire on the informant as a result of which the informant became injured and fell down.

4. Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that the allegation as alleged is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt act against the petitioner rather there is specific allegation of firing attributed against the co-accused person, namely, Ashish Kumar.

5. The learned Additional Public Prosecutor, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that from a bare perusal of the FIR it is clear that petitioner is named in the FIR and there is allegation against him that he along with others has fired upon the victim and apart from that the petitioner carries two criminal antecedents other than the present one but fairly submits on the basis of the paragraph-3 of the bail petition that petitioner is on bail in both the pending matters.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Chief Judicial



Magistrate, Bhagalpur in connection with Sabour P.S. Case No. 480 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

- i. 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.
- ii. 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.
- iii. 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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