

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42103 of 2024

Arising Out of PS. Case No.-20 Year-2024 Thana- BHAGWANGANJ District- Patna

Rahul Kumar Son of Yoddha Prasad @ Jodha Yadav, R/O- Village-
Ibrahimpur, P.O.- Khainiya, P.S.- Bhagwanganj, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lallu Prasad, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-09-2024 Heard Mr. Lallu Prasad, the learned counsel for the

petitioner, the learned counsel appearing on behalf of the

informant and Mr. Tapeswar Sharma, the learned Additional

Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since

04.03.2024, in connection with Bhagwanganj P.S. Case No. 20

of 2024, FIR dated 16.02.2024, registered for the offences

punishable under Section 307 of the Indian Penal Code and

under Section 27 of Arms Act.

3. According to the prosecution case, one Rahul

Kumar borrowed Rs. 1,00,000/- (Rupees one lakh) from

informant's husband as loan and also spread rumours that if

informant's husband ever asked him to return the borrowed

money, he would kill informant's husband. It is further alleged



that during idol immersion, the petitioner opened fire upon informant's husband due to which he suffered shoulder injury.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR, in fact, due to previous dispute, the petitioner has falsely been implicated in the present case. He further submits that from perusal of the FIR, it appears that there is specific allegation against the petitioner that he has opened fire upon the informant. He further submits that although the informant has received gun shot injury, however, the injury report suggests that the informant has received the injury on his right shoulder. He lastly submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 04.03.2024.

5. The learned counsel for the informant as well as the learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that with an intention to kill, he has opened fire upon the informant.



6. Considering the aforesaid facts and circumstances and mainly the facts that petitioner has clean antecedent and due to previous dispute the petitioner has falsely been implicated in the present case, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Masaurhi, Patna, in connection with **Bhagwanganj P.S. Case No. 20 of 2024**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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