

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47995 of 2024

Arising Out of PS. Case No.-165 Year-2021 Thana- BARHIYA District- Lakhisarai

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Mahanth Shivraj Das @ Banti Jha @ Mahanth Shivraj Jha S/o Raj Kumar
Mira @ Raju Jha R/o Village-Barahiya, P.S.-Barahiya, District-Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nakul Jamuar, Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-09-2024 Heard Mr. Nakul Jamuar, learned Advocate for the

petitioner and the learned APP for the State.

2. Application for grant of bail to the petitioner, who
is in custody in connection with S.T. No.319 of 2023 arising out
of Barahiya P.S. Case No.165 of 2021 registered for the offence
punishable under Section 307/34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. The allegation against the petitioner is of causing
firearm injury on the stomach of the informant's son due to
which he sustained grievous injury.

4. Learned Advocate for the petitioner contended that



the informant is not an eye-witness to the alleged occurrence, however, only on account of some suspicion the name of the petitioner has been implicated in this case with an allegation of causing firearm injury. Drawing the attention of this Court to the deposition of the injured, as well as, the informant, the copy of which has been marked as Annexures-2 & 3, learned Advocate for the petitioner would thus contended that none of them have supported the prosecution case. Even the informant has turned hostile. So far the injured son of the informant is concerned, he has not disclosed the name of the petitioner in any of the manner. It is next contended that in fact on account of previous criminal antecedent and on the instigation of some unscrupulous person the petitioner has been made accused in the present case.

5. On the other hand, learned APP for the State vehemently opposed the bail application and submits that *prima facie* it appears that the informant and the injured have gained over, moreover, the petitioner bears four criminal antecedent of heinous nature and the trial is at the fag end.

6. Regard being had to the submissions made on behalf of the parties and considering the deposition of the informant, as well as, injured who have not supported the prosecution case, moreover, the petitioner has been incarcerated



for over a period of 14 months, 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 Additional Sessions Judge-II, Lakhisarai in connection with S.T. No.319 of 2023 arising out of Barahiya P.S. Case No.165 of 2021, 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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