

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50243 of 2024

Arising Out of PS. Case No.-67 Year-2024 Thana- BIDUPUR District- Vaishali

Ramesh Kumar, son of Radhe Prasad Singh @ Radhe Singh, Village-
Majlishpur, Ps- Bidupur, Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 27-09-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner
who is in custody in connection with Bidupur P.S. Case No. 67
of 2024 registered for the offence punishable under Sections
341, 323, 307, 414 and 34 of the Indian Penal Code and
Sections 25(1-b)(a), 26 and 35 of Arms Act.

3. Allegedly on receipt of a call from co-accused
Abhinav Kumar who had asked the informant to come behind
his house; when the informant came there, the petitioner was
sitting on a Apache motorcycle and co-accused Abhinav Kumar
was standing beside him, had started abusing and fired upon
him, due to which he sustained fire arm injury in his palm. It is



further alleged that in the mean time, the petitioner also tried to fire upon the informant, but in course of snatching of the pistol, the bullet hit to co-accused Abhinav Kumar in his stomach, due to which he sustained fire arm injury.

4. Learned Advocate appearing on behalf of the petitioner contended that with regard to the same occurrence one another FIR has been instituted by the police giving rise to Bidupur P.S. Case No. 72 of 2024, wherein the informant who happens to be ASI of the concerned police station, has categorically stated that on account of clash between two rival groups of informant of the present case and co-accused Abhinav Kumar and petitioner and others in course of snatching of pistol, Abhinav Kumar sustained injury at the hands of the informant. Learned Advocate for the petitioner also contended that this petitioner was apprehended at the place of occurrence, but no weapon whatsoever has been recovered from his possession and, as such, the allegation of causing fire arm injury to Abhinav Kumar does not arise. It is next contended that in fact the informant in order to save his implication in the crime in question has falsely implicated the name of the petitioner and the petitioner is made victim of the crime on account of his past criminal antecedent. The co-accused Abhinav Kumar has not



whispered or made any allegation against the petitioner. Now the petitioner has been incarcerated since 08.02.2024.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that apart from two criminal antecedent of heinous nature, there is a specific allegation of causing fire arm injury against the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the discrepancies in two FIR, coupled with the fact that there is no recovery of any fire arm from the possession of the petitioner as also the period of custody and the completion of investigation, 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 1st Class Judicial Magistrate, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 67 of 2024, 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)

supratim/-

U		T	
---	--	---	--

