

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50618 of 2024

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

Ashish Kumar Son Of Dukhan Mandal R/O- Village- Babupur, P.S.- Sabour,
Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-09-2024 Heard Mr. Ranjan Kumar Jha, learned counsel for
the petitioner and Mr. Rajiv Nayan, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 23.02.2024, in connection with Sabour P.S. Case No. 480 of 2023, F.I.R. dated 01.09.2023 registered for the offences punishable under Sections 341, 323, 307/34, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegation against the petitioner is that he fired on the neck of the informant causing firearm injury.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R.



Although the petitioner is named in the F.I.R. but there is no specific allegation against the petitioner and the trial has begun. P.W. 1 who is victim in the present case has been examined and he has categorically stated that due to darkness he could not identify the person who has fired upon him and co-accused person namely Abhishek Kumar have been granted the privilege of anticipatory bail by this Court vide order dated 12.03.2024 passed in Cr. Misc. No. 14740 of 2024 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 15.03.2024.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that the petitioner having clean antecedent and co-accused person has been granted the privilege of anticipatory bail by this court as well as the victim has not stated anything against the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Sabour P.S. Case No. 480 of 2023, subject to



the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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