

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.76359 of 2023**

Arising Out of PS. Case No.-193 Year-2023 Thana- BUXAR MUFFSIL District- Buxar

Ramawatar Pathak Son of Parshuram Pathak Village - Ijari Sriram, Police  
Station - Buxar (M), District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                     |
|--------------------------|---|-----------------------------------------------------|
| For the Petitioner/s     | : | Mr. N.K. Agarwal, Sr. Adv.<br>Mr.Arjun Prasad, Adv. |
| For the Opposite Party/s | : | Mr.Md. Ataur Rahman, APP                            |
| For the Informant        | : | Ms. Dimpal Kumari, Adv.                             |

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

4      03-04-2024                      Heard Mr. N.K. Agarwal, learned senior counsel for  
the petitioner, Md. Ataur Rahman, learned APP for the State as  
also Ms. Dimpal Kumar for the Informant.

2. The petitioner seeks bail in connection with Buxar  
(Muffasil) P.S. Case No. 193 of 2023 instituted for the offences  
under Sections 302, 307, 504, 506, 34 of the Indian Penal Code  
and Section 27 of the Arms Act.

3. As per prosecution case, in short, is that the  
Informant along with his nephews was going to police station to  
lodge a complaint, in the meantime, the accused persons  
surrounded them and fired due to which, his nephew received  
injury and later succumbed to the injury.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. There is subsisting land dispute between the parties. There is a case and counter case between the parties. It has further been stated that the alleged Katta was recovered in front of the house of the petitioner and not from his conscious possession. The allegation has been made against the present petitioner of opening firing which hit below the left elbow of the injured Pradeep Kumar. The injury report shows the injury is simple in nature. The petitioner has five criminal antecedents as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 14.05.2023. Charge has also been framed in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that the petitioner has criminal antecedents and is habitual of committing such offence and, thus, he does not deserve bail. Learned counsel for the Informant submits that in the alleged occurrence, the nephew of the Informant sustained gun shot injury and died in course of treatment.



6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and the nature of injury which is simple, let the petitioner, abovenamed, be released on bail after framing of charge, if not already framed, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Buxar (Muffasil) P.S. Case No. 193 of 2023, subject to the following conditions;

(i) One of the bailors shall be own/close member of the family of the petitioner.

(ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

**(Rudra Prakash Mishra, J)**

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