

Arising Out of PS. Case No.-318 Year-2024 Thana- DANAPUR District- Patna

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... .. Petitioner/s

Versus

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar Vivek, Advocate

For the State : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

Heard the parties.

2. The petitioner is in judicial custody in connection with Danapur P.S. Case No. 318 of 2024 for the offences punishable under Sections 341, 307, 195-A, 120(B), 506 and 34 of the Indian Penal Code, lodged on 01.04.2024 by the informant, Binod Ray.

3. As per the prosecution story, the informant alleged that while he was sleeping in the office of Vishal Rath when Rahul Kumar came and opened fire. Further, it was seen that he is loading the cartridges when accused Binod Rai, Upendra Rai and is cousin (Govind Kumar, the petitioner herein) were found indicating Rahul Kumar to hit on his chest. However, as the informant and his son raised alarm, the accused escaped. Further, allegation is that Rahul Kumar was forcing the informant side to withdraw the criminal case which was earlier lodged relating to



teasing matter and upon refusal to do so, the present act. This led to the F.I.R.

4. Learned counsel for the petitioner submits that a perusal of the F.I.R. would show that the allegation mainly is against the Rahul Kumar, only to implicate the family members, it has been alleged that they were indicating towards the chest of the informant, there is nothing on record to show the injury and no such second shot was came/fired on the chest.

5. Learned APP for the State opposes the prayer submitting that he has criminal antecedent.

6. Though, the petitioner has criminal antecedent, mainly the allegation is against Rahul Kumar, in the second part of story it has been alleged that this petitioner/other accused persons pointed towards the chest of the informant which was never shot by Rahul Kumar, is in custody since 15.05.2024 (paragraph no.12 of the petition), taking into account the aforesaid facts, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Danapur, Patna in connection with Danapur P.S. Case No. 318 of 2024, subject to the following



conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in now way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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