

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82612 of 2023

Arising Out of PS. Case No.-237 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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RAJ KISHORE SAH @ RAJ KISHOR PRASAD Son of Shambhu Sah R/o
vill - Rupdih, P.S. - Muffasil, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Anil Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 12-01-2024 Heard learned counsel for the petitioner as also the

State and the informant.

2. The petitioner is in judicial custody in connection with Muffasil P.S. Case No. 237 of 2023 for the offence punishable under sections 147, 149, 341, 323, 307 & 504 of the I.P.C. and Section 27 of the Arms Act lodged on 23.3.2023 by the informant, Pratima Devi.

3. As per the prosecution story, the allegation is of assaulting the informant's side and specific allegation against the petitioner is of opening fire causing injury below the chest of the informant's husband. Accordingly, the FIR.

4. Earlier a report was called for on 15.12.2023 which has since been received vide letter no. 5 dated 04.01.2024 and as



per it, cognizance has been taken in the matter and the case is pending for commitment.

5. Learned APP and the learned counsel for the informant opposes the prayer for bail.

6. The petitioner has remained in custody since 24.03.2023 (as stated in paragraph 4 of the petition), he do not have criminal antecedent, he is an ex-army man and as per the documents on record, he served the armed forces very diligently, the case has been lodged, allegation has been made against him, ultimately he will have to face the trial/consequence and there is no sight of conclusion of trial in near future, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Muffasil P.S. Case No. 237 of 2023 subject to the following conditions:

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

(ii) the petitioner shall appear on each and every date



before the Trial Court and 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 month for one year to mark his attendance;

(iv) the petitioner shall in no 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 his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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