

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85572 of 2024

Arising Out of PS. Case No.-109 Year-2024 Thana- CHANDI District- Bhojpur

Prakash Rai @ Khesariya, S/O Rudal Rai, R/O village- Hardas Tola, P.S-
Chandi, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate
For the Opposite Party/s : Mrs.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Chandi P.S. Case No.109/2024 registered for the alleged offences under Sections 109 of the BNS, 2023 and Section 27 of the Arms Act.

3. As per prosecution case, on account of land dispute, the petitioner fired upon his father and the shot hit in the right sole of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The prosecution story is improbable that if the firing was made with an intention of causing death, under no circumstances, it can hit the sole of the informant. The learned



counsel further submits that the injury report shows it is simple in nature without any bony fracture. This shows falsity of the allegation. The petitioner is in custody since 26.07.2024 and the charge sheet has been submitted. The petitioner is having clean antecedent.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubtful nature of allegation against the petitioner for making attempt on the life of the informant and further considering the period of custody of the petitioner, submission of charge sheet and his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Ara, in connection with Chandi P.S. Case No. 109 of 2024, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present



on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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