

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.935 of 2024

Arising Out of PS. Case No.-154 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

Uttam Kumar S/O Raam Ishwar Paswan R/O Village- Dighi Kala West, P.S.-
Sadar Hajipur District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Prasad Sinha, Advocate
For the Opposite Party/s : Mrs.Renu Kumari, APP

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

ORAL ORDER

4 08-05-2024 Heard learned counsel for the petitioner, Mrs. Renu
Kumari, learned APP for the State and perused the case diary.

2. The petitioner seeks bail in connection with Hajipur
Sadar P.S. case No. 154 of 2023 instituted for the offences
under Sections 394, 307 of the Indian Penal Code and Section
27 of the Arms Act.

3. Prosecution case, in short, is that on the alleged date
and time of occurrence, three unknown miscreants intercepted
the informant and one of them fired upon him and the bullet hit
him on his belly. In the meantime, one of the miscreants
snatched the mobile phone of the informant and the other



miscreants took his Scooty and fled away. It is further alleged that during the course of fleeing away one miscreant fired which hit on the leg of the informant.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner is not named in the FIR rather his name has transpired on the basis of fact that the looted scooty was recovered from his house. Learned counsel further submitted that T.I.P. has not been conducted till date. He further submitted that on perusal of the case diary it appears that petitioner has not fired the shot rather co-accused Rajapandit has fired the same which hit on the leg of the informant. Charge-sheet has been submitted in this case under Sections 394, 307, 411 of the Indian Penal Code and Section 27 of the Arms Act. It has been submitted on behalf of the petitioner that the petitioner is in custody since 20.06.2023 and has seven criminal antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Hajipur Sadar P.S. case No. 154 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.

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

(Rudra Prakash Mishra, J)

Alok Verma/-

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