

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1279 of 2024

Arising Out of PS. Case No.-567 Year-2023 Thana- MADHAURAH District- Saran

Vishwajeet Rai @ Vishwajeet Kumar Rai, Son Of Jai Ram Rai Resident Of
Village- Narharpur P.S.- Marhowrah, Dist.- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Adv.

For the Opposite Party/s : Mr. Ajay Kumar No.2, APP

Mr. Ajit Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Marhorah (Gora O.P.) P.S. Case No. 567 of 2023, lodged on
07.09.2023 under Sections 341/323/324/325/307/504/506 of the
Indian Penal Code read with sections 27/30/35 of the Arms Act.

3. As per the prosecution case, the FIR has been
lodged against two named accused persons against whom there
is an allegation of firing with a gun upon the informant and his
cousin.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that the specific allegation is against the other
accused person and the petitioner was only the order giver.
Counsel further submits that the antecedent of the petitioner is



clean and he is in custody since 07.09.2023.

5. Learned APP for the State and learned counsel for the informant vehemently opposes the prayer for bail of the petitioner and submits that the contents of the FIR is very clear that initially the petitioner has ordered his father to make firing due to which the petitioner's father who is co-accused in this case has fired by which the injury has been caused, but thereafter, the petitioner himself taken the gun and fired and by this firing, the informant saved himself anyhow. Counsel also submits that the ingredients of section 304(A) of the IPC is made out and there may not be injury to anyone, but the firing was made with an intention to kill.

6. Upon specific query of the Court from the counsel for petitioner that whether charge has been framed in this case or not, counsel submits that as per his knowledge, charge has not been framed in this case.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **three months after framing of charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Saran at Chapra in connection



with Marhorah (Gora O.P.) P.S. Case No. 567 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member 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 and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

(Dr. Anshuman, J.)

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