

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77697 of 2024

Arising Out of PS. Case No.-97 Year-2024 Thana- NEORA District- Patna

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Birendra Kumar @ Chhotu Kumar @ Chhote Kumar S/O Kameshwar
Sharma @ Kameshar Sharma R/O Village- Radhey Charan Ka Math (Goriya
Dera), P.S- Neora, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Sunil Kumar Pathak, Adv.
For the Opposite Party/s :	Mr. Tarun Prasad Mandal, A.P.P.
	Mr. Pankaj Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-01-2025 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in
connection with Neora P.S. Case No. 97 of 2024, registered for
the offences under Sections 307, 34 of the Indian Penal Code
and Section 27 of the Arms Act.

3. As per the prosecution case, two persons in a
motorcycle who were armed with pistol fired upon the
informant. The shots hit the informant above his left elbow, in
left thigh and in his back. The informant identified petitioner as
one of the assailants. The occurrence took place in the



background of the fact that the petitioner used to talk with the daughter of the informant and she was thrashed by the son of the informant and for this reason the petitioner threatened the son of the informant.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner has been named in this case by informant on suspicion that he has some issues with the son of the informant. The petitioner never threatened the son of the informant. Brother of the petitioner is ward member and informant is having some problem with him and for this reason the petitioner has been implicated in this case. Both the kidneys of the petitioner has been transplanted and he is under constant surveillance of the doctor and is not able to move frequently. The petitioner surrendered on 01.07.2024 and is having antecedent of two cases. While rejecting the prayer for bail the learned trial court has wrongly mentioned 3rd antecedent which is an error of record. Charge sheet has been submitted against the petitioner.

5. Learned A.P.P. appearing for the State and learned counsel for the informant vehemently oppose the submission made on behalf of the petitioner. Learned counsel for the



informant submits that the petitioner fired the shots upon the informant and one such shot is still stuck in the abdomen and another in right pelvis of the informant.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the medical condition of the petitioner and also considering submission of charge sheet and period of custody of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Danapur/concerned court, in connection with Neora P.S. Case No. 97 of 2024, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other 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, if so required by the learned trial court.
- (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)

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