

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86849 of 2024

Arising Out of PS. Case No.-95 Year-2024 Thana- BIHIA District- Bhojpur

Subhash Singh Son of Bhim Singh Resident of village - Lahang Dumariya ,
PS- Bihiya, District- Bhojpur

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Vijay Sah, S/o- Late Ram Das Sah R/o Vill - Lahang Dumriya, P.S. - Bihiya, Distt.- Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar Singh, Adv
For the Opposite Party/s : Mr. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

6 17-06-2025 Heard learned Counsel for the petitioner and learned
A.P.P for the State.

2. The notice was sent to the newly added O.P. No. 2
and the same was validly served, however, nobody represents
the O.P. No. 2.

3. The petitioner has preferred this application for
grant of regular bail in connection with S.T. No. 426 of 2024
arising out of Bihiya P.S. Case No. 95 of 2024 registered for the
offences punishable u/s 385, 324, 307 read with Section 34 of
the I.P.C. and Section 27 of the Arms Act.

4. As per the prosecution case, the petitioner along
with other co-accused persons went to the shop of the informant



and subsequently on account of some scuffle the petitioner is alleged to have taken out his pistol and fired upon the informant due to which he sustained injury.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the parties have entered into a compromise and the same has been filed before the learned Court below which has been brought on record by way of Annexure-2 through a supplementary affidavit. It is next submitted that the petitioner has become mentally unstable and has been referred to BIMHAS, Koilwar Mental Hospital, for further treatment. It is lastly submitted that the petitioner has two criminal antecedents and is in custody since 28.03.2024.

6. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid submissions of the parties and taking into account the fact that the petitioner is undergoing treatment on account of his mental illness coupled with the fact that the petitioner is in custody since 28.03.2024, let the petitioner above-named, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Court concerned, Bhojpur at Ara, in connection with S.T. No. 426 of 2024 arising out of Bihiya P.S. Case No. 95 of 2024, subject to the following conditions:-

- (i) One of the bailors will be 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 two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.*
- (iv) If the petitioner is found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of his bail bond.*
- (v) The learned Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.*

8. The application stands allowed.

(Sourendra Pandey, J)

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