

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46118 of 2016

Arising Out of PS.Case No. -79 Year- 2016 Thana -BACHWARA District- BEGUSARAI

Rakesh Kumar Singh @ Rakesh Singh, S/o Late Surendra Singh
..... Petitioner/s

Versus

The State of Bihar
..... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vipin Kumar Singh
For the Opposite Party/s : Mr. Sri Shailendra Kumar -1

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 22-10-2016 Supplementary affidavit is filed on behalf of the
petitioner bringing on record the injury report of the informant.

Counsel for the petitioner seeks and is permitted to
make necessary correction in the original petition in course of the
day.

Heard learned counsel for the petitioner, and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered under
Section-307 & other minor sections of the Indian Penal Code and
27 of the Arms Act.

Altogether 11 persons are named whereas; more than
100 persons are said to have participated in the alleged crime and
it is alleged that all the aforesaid persons pressurized the informant
and others to cast their votes in favour of the candidate of a

particular party and after that, they made indiscriminate firing. The informant claims that the firing of the petitioner hit on his right abdomen whereas; some other persons also sustained injuries by the firing, made by other accused persons.

Submission on behalf of petitioner is that the petitioner has been implicated in this case on account of political rivalry and according to prosecution case itself, the alleged occurrence took place at 11.00 p. m. on 25-05-2016 (which appears to be wrongly mentioned as 25-05-2015). More than 100 persons made firing. It is further submitted that the fardbyan of the informant was recorded on 26-05-2016. It is further submitted on behalf of the petitioner that it was not possible for the informant or any other persons to identify the persons, who caused injury because according to prosecution case itself, the firing was made by a crowd of more than 100 persons. It is also submitted that as a matter of fact, the fardbyan of the informant is an afterthought story and he made specific allegation against the petitioner with an intent to implicate him in this case due to the above-said reason.

No doubt, the informant sustained fire-arm injury on his abdomen and the aforesaid injury appears to be grievous in nature but considering the above-said submissions as well as facts and circumstances of the case, let the petitioner named above, be

released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Bachhwara P.S. Case No. 79 of 2016 to the satisfaction of learned Judicial Magistrate, Begusarai.

(Hemant Kumar Srivastava, J)

A.K.V./-

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