

8IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15639 of 2017

Arising Out of PS.Case No. -4 Year- 2017 Thana -NAWADA District- NAWADA

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1. Amit Kumar @ Rakka @ Chintu S/o Amrendra Kumar Singh Resident of Village- Gonawan Bypass I.T.I. Campus, P.S.- Nawada Town, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Niranjan Parihar, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 20-06-2017 Heard learned counsel for the petitioner and learned A.P.P. for the State as well as learned counsel for the victim boy, Ashwani Kumar.

The petitioner is languishing in jail since 05.01.2017 in a case registered for offences punishable under Sections 307/34 of the I.P.C. and 25 (1-b)a/ 26/27/35 of the Arms Act.

The prosecution case is that the petitioner along with other co-accused Raka @ Chintu and Chhotu called the victim boy Ashwani Kumar. On call on his mobile number 7644820334 the victim boy came and with regard to money, some quarrel took place and the co-accused and petitioner opened fire upon Ashwani Kumar with country made pistol, due to which he sustained injury on his left forehead and Chhotu also fired which misfired, thereafter, the petitioner alongwith Chhotu and Raka went to their house throwing both the arms in the bush there and on the basis of his statement, both country made stengun were recovered and



accordingly, seizure list was prepared.

It is submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. It has further been submitted that the statement of the victim boy has not been taken under Section 164 of the Cr. P.C., and the F.I.R. has been lodged by the police personnel on the information given by Sub Inspector Dinkar Dayal. It has further been submitted by the learned counsel for the petitioner that recovery of the bullets and fire arms as per the seizure list were not found from the conscious possession of the petitioner but either from the roof of I.T.I. Campus or from bushes.

Learned counsel for the victim boy submits that the injury has been found to be grievous in nature and the Victim boy had been referred to AIIMS by the private Doctor that the injury sustained is on the vital part of the body, hence, vehemently , opposes the prayer for bail.

Learned counsel for the State also opposes the prayer for bail.

Considering the facts and materials on record, I am not inclined to grant the privilege of bail to the petitioner at this stage.

The bail application of the petitioner is hereby rejected.

(Nilu Agrawal, J)

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