

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21108 of 2017

Arising Out of PS.Case No. -22 Year- 2017 Thana -KARPI District- JEHANABAD

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Surendra Manjhi, S/o Maheshwar Manjhi, Resident of Village- Gulzar
Bigha, P.S.- Karpi, District- Arwal.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Ashok Kumar, Advocate.

For the Opposite Party : Mr. Uday Chand Prasad, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 21-06-2017 Heard both sides.

The petitioner seeks bail in Karpi P.S. Case No. 22 of 2017 registered for the offences punishable under Section 307 of the Indian Penal Code and under Sections 25(1-a)b/26/35/27 of the Arms Act.

The informant alleged that while he was coming from Karpi Surendra Manjhi, the petitioner fired which hit on his chest and neck. On chase Surendra Manjhi, the petitioner was apprehended and one loaded country made pistol with a cartridge was recovered.

Learned counsel for the petitioner submits that the petitioner is a fourth grade employee and he has been falsely implicated in the case. Prior to the present case Karpi P.S. Case No. 167 of 2013 was registered against Santosh Sharma and Vinay Ram. The petitioner is one of the witnesses in the aforesaid case that is why the petitioner has falsely been implicated in the case. It is further submitted that the investigating officer neither recovered any empty cartridge nor any



blood stain was found on the place of occurrence. The doctor found, ofcourse, three injuries on the person of the informant caused by firearm but, the injuries are simple in nature. No bone lesion was found and the doctor did not express any opinion with regard to the nature of injuries. It is further submitted that the arms recovered from the possession of the petitioner was sent to FSL for examination but the FSL report does not disclose that any fire was made from the recovered weapon.

It appears that there is specific allegation against the petitioner that it was he who fired and the informant got firearm injuries on his chest and neck. The petitioner was apprehended while fleeing away after making firing.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on bail. Accordingly, the same is rejected.

The petitioner may renew his prayer for bail after remaining six months in custody.

(Prabhat Kumar Jha, J.)

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