

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12968 of 2019

Arising Out of PS. Case No.-343 Year-2018 Thana- RUPASPUR District- Patna

Abhishek Kumar, aged about 19 years, Son of Yugal Kishore Singh, Resident of Village- Kauriya, P.S.- Kahalgaon, District- Bhagalpur. At present Quarter No. 270/400, Rajbansi Nagar Road No. 05, P.S.- Shastri Nagar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 27.08.2018 in a case registered for the offences punishable under Sections 326, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the fardbeyan of Shubham Ranjan recorded by S.I., P. Prabhakar of Shastrinagar Police Station on 09.08.2018 at Arvind Hospital, Patna at 10.30 P.M. is to the effect that on the same day at 11.30 A.M. while the informant was in his house, one Chandan made a call from the mobile phone of Pratik and asked the informant to come near Keshav Palace, whereupon the informant went to the place but he did not find Chandan and after some time Chandan again



made a call on his mobile phone and asked him to come near Sai Yamaha and when the informant went there, he found co-accused Chandan, Joshi, Deo, Pratik and five friends of Chandan being present there. On the motorcycle of the informant, Chandan was sitting and thereafter they proceeded towards Rupaspur over bridge when informant saw Shubhankar and the petitioner, Abhishek along with seven other persons on three motorcycles. It is alleged that Shubhankar and petitioner, Abhishek fired from pistol which hit on the left thigh of the informant, thereafter, informant's side also resorted to fire, as a result, accused persons including the petitioner received injuries.

It is submitted by learned counsel for the petitioner that in the firing made by the informant's side, the petitioner received multiple firearm injuries, leading to registration of Rupaspur P.S. Case No. 344 of 2018. Moreover, the investigation has already been concluded. It is further submitted that co-accused Shubhankar has been granted bail by a Co-ordinate Bench of this Court vide order dated 18.02.2019 passed in Cr. Misc. No. 79620 of 2018. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.



Learned APP submits that the accusation of firing is against the petitioner.

Considering the fact that the petitioner also received injuries in the alleged occurrence, there is a counter version of the occurrence filed by the petitioner's sides, investigation has already been concluded and co-accused Shubhankar has been granted bail, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Danapur, Patna in connection with Rupaspur P.S. Case No. 343 of 2018.

(Dinesh Kumar Singh, J)

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