

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20450 of 2019

Arising Out of PS. Case No.-419 Year-2018 Thana- BEGUSARAI TOWN District- Begusarai

AJIT KUMAR Son of Late Chotu Mahto Resident of Village- Bagha, P.S.-
Nagar, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
Mr. Nilesh Kumar, Adv.

For the Opposite Party/s : Mr. Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 09.08.2018 in a case registered for the offences punishable under Sections 147, 148, 149, 452, 302 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case got initiated on the basis of written report of Rita Devi submitted before the Station House Officer, Lohiyanagar (O.P.) Police Station is to the effect that the elder brother of the husband of the informant was a notorious criminal, who used to realize extortion money in the bus stand, but he was murdered and after his murder, his sons Amit Kumar, Amar Kumar and Ajit Kumar, the petitioner



along with other co-accused persons started realizing extortion money in the bus stand for which the people from the administration and bus stand used to make complain to the informant's husband and it was protested by the husband of the informant. Subsequently, on 15.07.2018 at 9.30 P.M., all the accused persons, including the petitioner, armed with revolver, came at the house of the informant and on the order of co-accused Amit Kumar, co-accused Shambhu Sahni resorted to fire on the informant's husband which hit on his chest, thereafter the second firing was made by co-accused Amar Kumar which hit on the waist of the informant's husband, while the third firing was made by the co-accused Amit which hit on the arm of the informant's husband. The petitioner is also alleged to have resorted to fire on the informant's husband.

It is submitted by learned counsel for the petitioner that there is specific accusation of causing fire arm injury to the husband of the informant against co-accused Amit Kumar, Amar Kumar and Shambhu Sahni on arm, waist and chest respectively, but the accusation of firing is omnibus and general against the petitioner. It is further submitted that the postmortem report suggests only three injuries, i.e., first at



right arm, second at right chest and third at left side over lower back, hence, no injury was caused by the alleged firing made by the petitioner to the husband of the informant. It is further submitted that though the petitioner is accused in two other cases apart from the present case, but in all those cases, he is on bail, a statement to that effect has been made in paragraph no.3 of the supplementary affidavit.

Learned APP for the State submits that there is specific accusation against the petitioner in the FIR.

Considering the fact that the medical opinion suggests only the injuries caused by co-accused, Amit Kumar, Amar Kumar and Shambhu Sahni, 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 CJM, Begusarai in connection with Nagar (Lohianagar O.P.) P.S. Case No. 419 of 2018.

(Dinesh Kumar Singh, J)

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