

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74948 of 2018

Arising Out of PS. Case No.-548 Year-2018 Thana- FATUA District- Patna

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Mukesh Kumar Son of Sri Surendra Singh @ Brijnandan Singh @ Brijballabh
Singh Resident of Village-Bruna,P.S. Fatuha,Distt.-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Pratap Singh

For the Opposite Party/s : Mr.Sri Navin Kumar Pandey

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 11-01-2019 Heard learned counsel for the petitioner, learned

counsel for the informant and the learned counsel appearing on

behalf of the State.

Petitioner is languishing in judicial custody since
14.09.2018 in connection with Fatuha (Patna) P.S. Case No. 548
of 2018 for offences punishable under Sections 447 and 307/34
of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as lodged by the informant is
that a day earlier the informant's husband had lodged a case
against the petitioner as he molested her sister-in-law (Nanad)
Guriya Kumari. The next day, the petitioner along with three co-
accused named in the F.I.R. armed with weapons started
indiscriminate firing and one of the pillet hit the informant's
husband Pravin Ranjan @ Golu Kumar on his right hand and



was sent for treatment. It is further stated in the F.I.R. that the firing made by the petitioner hit the informant's husband on his right hand.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. It is submitted that there was indiscriminate firing by four accused persons including the petitioner and the injured in his statement which is at para-25 of the case diary stated that he was injured on the left hand and has recovered after treatment. It has also been submitted that the statement of the injured is that he has not seen the petitioner but he got to know later on. It is further submitted that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses. He submits that the injury on the right hand as stated by the informant is in contradiction to the injury which was inflicted on the informant's husband as per his statement which falsifies the prosecution story.

Learned counsel for the informant vehemently opposes the prayer for bail stating therein that the informant is an eye witness to the alleged occurrence and as per Section 307 of the IPC the firing was done by the petitioner with an intention to kill but the informant's husband narrowly escaped. It has also



been submitted that due to past act of the petitioner a case had been lodged against him and threatening is also given.

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

Considering the facts and circumstances of the case and materials on record as well as from the perusal of the case diary, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Patna City in connection with Fatuha (Patna) P.S. Case No. 548 of 2018, subject to the conditions:-

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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