

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74350 of 2019

Arising Out of PS. Case No.-741 Year-2018 Thana- KHAGARIA District- Khagaria

1. SHIVAM KUMAR Son of Ram Chandra Singh, Resident of Village - Mehsauri, P.S.- Muffasil, District- Khagaria
2. Sujit Kumar @ Dilkhus Kumar Son of Ram Chandra Singh, Resident of Village - Mehsauri, P.S.- Muffasil, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abul Kalam

For the Opposite Party/s : Mr.Kanhaiya Kishore(App100)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 11-12-2019 Heard both sides.

Petitioners seek bail in Khagaria (Mufassil) P.S. Case No.741 of 2018 registered under Sections 341, 323, 307, 504, 427, 448, 379 and 34 of the IPC and under section 27 of the Arms Act.

The informant named the petitioners along with other accused persons and alleged that petitioner no.1, namely, Shivam Kumar fired at the informant but the shot did not hit the informant. Petitioner no.2, namely, Dilkhush Kumar @ Sujit Kumar fired at Amresh Kumar which did not hit Amresh Kumar and thereafter all the accused persons are alleged to have assaulted the informant and others.



Learned counsel for the petitioners submits that the informant and others of course got injuries. The informant got as many as nine injuries. All injuries except one injury are simple in nature. Injury no.3 is bruise on left shoulder. On account of fracture of bone, injury no.3 is opined to be grievous in nature, but the informant did not disclose as to who is the author of injury no.3. It is further submitted that there is a counter version. The father of the petitioners earlier lodged Khagaria P.S. Case No.738 of 2018. Both sides are close agnates and there is a case and counter case.

Learned counsel for the informant and learned APP vehemently opposed the prayer for bail and submitted that the informant got as many as nine injuries all over his body and the petitioners are alleged to have assaulted the informant and Binod Singh with iron rod and khanti. Therefore, the petitioners do not deserve bail.

It appears that at the first instance the informant made allegation against the petitioners that they fired aiming at the informant and Amresh Kumar but the shot did not hit them. Thereafter all the accused persons are alleged to have assaulted the informant and Binod Singh. The informant of course got as many as nine injuries but save and except one injury found on



the shoulder of the informant are superficial and simple in nature. The injury on the shoulder is opined to be grievous but the informant did not disclose as to who is the author of the injury found on the shoulder. The petitioners are in jail since 07.09.2019. The petitioners have already remained in jail for more than three months.

Having considered the facts aforesaid, the petitioners named above are directed to be released on bail on furnishing bail bonds of Rs.10,000/-(rupees ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M., Khagaria in connection with Khagaria (Mufassil) P.S. Case No.741 of 2018 (G.R. No.2999 of 2018).

(Prabhat Kumar Jha, J)

Harish/-

U		T	
---	--	---	--

