

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9202 of 2020

Arising Out of PS. Case No.-335 Year-2018 Thana- RAJGIR District- Nalanda

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PINTU KUMAR Son of Arvind Kumar Resident of Village - Belaua, P.S. -
Rajgir, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Premchandra Yadav

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 26-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Ashok Kumar, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Rajgir P.S. Case No. 335 of 2018 for the offence registered under Sections 147, 148, 149, 341, 323, 338, 504, 326 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution in brief is that the informant on the alleged date and time of occurrence was cooking food in her house when co-villager namely Pramod Kumar came there and told her that quarrel was taking place whereafter the



informant along with her son and daughter went out of her house and when they reached near the house of one co-villager namely Vinay Mahto then they saw that the accused persons including the petitioner herein were assaulting the husband of the informant and the petitioner is alleged to have fired from the pistol being held by him in his hand on the husband of the informant, however, the gun shot hit the stomach of the son of the informant namely Vikash Kumar.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that the police had initially filed a final form in the present case, finding the case to be not true as against the petitioner herein and another co-accused person. It is further submitted that there is no injury report on record of the case to show that the son of the informant had received gun shot injury. It is further submitted that the present case arises out of case and counter case and the case filed by the accused side is first in time and the present case has been filed thereafter.

Per contra, the learned counsel for the informant has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties, perused



the materials on record and gone through the materials available in the case diary. A bare perusal of the case diary would show that no injury report qua the son of the informant is available and moreover the version of the witnesses are also contradictory, hence considering the fact that the petitioner is also having a clean antecedent, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Rajgir P.S. Case No. 335 of 2018 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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