

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4627 of 2020

Arising Out of PS. Case No.-232 Year-2019 Thana- PIPRA District- East Champaran

CHHOTAN SINGH @ CHHOTU SINGH Son of Subhash Singh Resident of
Village - Chintamanpur Babu Tola, P.S.- Pipra, District- East Champaran
... .. Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Umesh Chandra Verma
For the Opposite Party : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

7 21-10-2020 Heard Mr. Umesh Chandra Verma, learned counsel
appearing on behalf of the petitioner and Mr. Md. Fahimuddin,
learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of regular bail arises out of
Pipra P.S. Case No. 232 of 2019, registered for the offence
punishable under Sections 307 of the Indian Penal Code and
Section 27 of the Arms Act.

The informant, Rahul Kumar, lodged the F.I.R. on
05.07.2019 alleging that on 04.07.2019, at 3.30 PM, the
petitioner had called him in a garden and had demanded a sum
of Rs.5,000/- from him. On refusal by the petitioner, allegedly,
the petitioner opened fire, because of which, he sustained
firearm injury and became unconscious. He has also mentioned
in the F.I.R. that the petitioner and the informant are childhood
friends.



Mr. Umesh Chandra Verma, learned counsel appearing on behalf of the petitioner, has submitted that with respect to an occurrence said to have taken place on the same date and time, an F.I.R. had already been registered by a police officer as Pipra P.S. Case No. 230 of 2019, which contains a different story altogether. In the said F.I.R., the petitioner and the informant both have been named as accused, who along with others had allegedly assembled to commit some crime. They were armed and because of a misfire of a pistol by the petitioner of this case, the informant Rahul had sustained injuries. He has argued that only to save his skin, the informant Rahul Kumar has got the present case registered subsequent to registration of the case by the police officer.

The F.I.R. of Pipra Case No.230 of 2020 has been brought on record by way of annexure to a supplementary affidavit filed on behalf of the petitioner, on perusal of which, I find substance in submission made on behalf of the petitioner at least for the purpose of consideration of this application for grant of regular bail. The petitioner is in custody since 05.09.2019.

Considering the above, this application is allowed.

Let the petitioner, above named, 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 the learned C.J.M., Motihari, East Champaran, in Pipra P.S. Case No. 232 of 2019.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two months.

Since COVID-19 pandemic situation is prevailing, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate



electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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