

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 16644 of 2020

Arising Out of PS. Case No.-642 Year-2016 Thana- Hajipur District- Vaishali

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Lalu Kumar @ Lalua (Male) aged about 25 years, Son of Umesh Sah,
Resident of Village – Chakbibi Baranti, Police Station – Raja Pakar, District -
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Ram Sewak Chaudhary, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

03. 02.09.2020

Heard Mr. Surendra Kumar Mishra, learned
counsel for the petitioner and Mr. Ram Sewak
Choudhary, learned APP for the State.

The petitioner seeks bail in connection with
Hajipur (Town) P. S. Case No. 642 of 2016, dated
15.09.2016, instituted for the offences under Sections
324, 307, 452/34 of the Indian Penal Code and Section
27 of the Arms Act, 1959.

The F.I.R. is against unknown. The informant
claims that after he had proceeded to some distance
from his tea shop. he heard a sound of firing. When he



returned to his shop, his brother informed him that his son has been shot at by some unknown miscreants. The F.I.R., thus, was registered against unknown.

The victim (one of the sons of the informant) after about eight days of the occurrence got his statement recorded in which he has alleged that the firing was resorted to by the petitioner while he was caught hold by another accused person.

The learned counsel for the petitioner therefore submits that only because of business rivalry, after eight days of the occurrence, the name of the petitioner has been taken.

He further submits that even though there is gun shot injury on the person of the informant but the injury is not such that the victim could not have named the petitioner there and then or after some time of the occurrence. The delay of eight days makes the prosecution case highly doubtful at this stage.

The petitioner is in custody since 27.12.2019



and there does not appear to be any special motive for injuring the informant, though the victim has stated that marauders had come to kill his brother/ Vikash.

Apart from the present case, the petitioner has been made accused in another case in which he is stated to be on bail.

Regard being had to the period of custody and the circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Hajipur (Town) P. S. Case No. 642 of 2016.

This petition stands allowed.

(Ashutosh Kumar, J)

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