

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18329 of 2020

Arising Out of PS. Case No.-151 Year-2019 Thana- SILAO District- Nalanda

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JYOTISH KUMAR @ JAYTHISH KUMAR @ JAYTISH KUMAR Son of
Bhim Singh Resident of Village - Kariyanna, Police station - Silao, District -
Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar
For the Opposite Party/s : Mrs. Anita Kumari Singh
Mr.Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-06-2020 The present petition has been taken up for consideration

through the mode of Video conferencing in view of the

prevailing lock-down on account of COVID 19 Pandemic,

requiring social distancing.

Heard Shri Sanjeet Kumar the learned counsel appearing

for the petitioner and Mrs. Anita Kumari Singh, learned A.P.P.

for the State.

The petitioner seeks regular bail in connection with Silao

P.S. Case No. 151 of 2019 for the offence punishable under

Sections 341, 323, 307, 504/34 of the Indian Penal Code and

Section 27 of the Arms Act.

The case of the prosecution in brief is that while the



informant was going home from *Khanda* on the alleged date and time of occurrence, the petitioner and one other co-accused person who were carrying pistol in their hand started abusing the informant whereafter the co-accused person, namely, Nitish had fired from his pistol resulting in the informant sustaining injury in his left leg. It is further alleged that the petitioner had also fired gun shots from his revolver which had hit Prince Kumar on the right side of his chest. Thereafter, the accused Bhim Singh had also fired from his rifle which had hit in the abdominal part of the informant. It is further alleged that the co-accused person namely Arjun Singh had also fired from his rifle.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is languishing in custody since 16.01.2020. It is further submitted that the petitioner is having a fair antecedent except one case in which he is on bail. The learned counsel for the petitioner has further submitted that as per the FIR the petitioner is alleged to have fired from his revolver which has hit Prince Kumar, however, the injuries sustained by the said Prince Kumar as reproduced in the impugned order



dated 15.02.2020 would show that the nature of injury has been found to be simple, caused by hard blunt object, hence the allegation leveled against the petitioner is not corroborated by the medical report and the petitioner has been falsely implicated in a concocted case.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that the medical report prima facie does not corroborate the allegation levelled by the informant against the petitioner herein, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to 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 learned Chief Judicial Magistrate, Nalanda, Bihar Sharif in connection with Silao P.S. Case No. 151 of 2019.

S.Sb/-

(Mohit Kumar Shah, J)

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