

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19993 of 2020**

Arising Out of PS. Case No.-117 Year-2020 Thana- MADHEPURA District- Madhepura

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Ankit Kumar @ Khagesh, aged about 31 years, Male, Son of Dharendra Prasad Yadav, Resident of Village Jaiprakash Nagar, Ward No.6, P.S.+District Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr. B.N. Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

3 18-08-2020 Heard Mr. Praveen Kumar Agrawal, the learned counsel appearing on behalf of the petitioner and Mr. B.N. Pandey, the learned Additional P.P.

The petitioner seeks bail in Madhepura P.S. Case No.117 of 2020, registered under Section 307 of the Indian Penal Code and 27 of the Arms Act.

The informant narrated before the police officer in Surya Hospital, Saharsa that on 29.01.2020 at about 12.00 in the noon while he was cleaning his clothes, he heard sound of firing in the western side. There was second round of firing and the informant got injury in his head. When the informant put his hand on his head, he found blood oozing from his head. The informant further disclosed that his wife and other family



members brought him to the hospital. The doctor disclosed that pellet is inside the head of the informant and for better treatment, he was referred to Surya Hospital, Saharsa. The informant further disclosed that firing was made from the house of Ankit Kumar @ Khagesh, the younger brother of his landlord. People of the vicinity went inside the house of the petitioner but the petitioner fled away.

Learned counsel for the petitioner submits that the informant is not an eye witness of the occurrence. The informant did not disclose the name of the petitioner in his statement recorded after three days of the occurrence. The occurrence took place on 29.01.2020. *Fardbeyan* was recorded on 01.02.2020 in the hospital. It has nowhere come that the informant was unconscious during that period. It is further submitted that during the course of investigation, the wife of the informant and nephew of the informant disclosed that the informant had disclosed the name of the petitioner who fired. Even the injury appears to be simple in nature. One penetrating wound was found and the doctor has not opined about the nature of injury, but it appears that the informant has categorically stated that the firing was made from the house of the petitioner who happens to be the younger brother of his landlord. The informant got



firearm injury in his head and he was immediately brought to hospital where the doctor disclosed that pellet was inside his head and the informant required immediate better treatment. Thereafter he was brought to Surya Hospital, Saharsa where he was treated and pellet was extracted. The informant in his further statement disclosed that it was the petitioner who fired and fled away.

Taking into consideration the facts, I am not inclined to enlarge the petitioner on bail at this stage. Accordingly, the prayer for bail of the petitioner is rejected.

The petitioner, if so advised, may renew his prayer for bail after remaining one year in custody.

(Prabhat Kumar Jha, J)

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