

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27074 of 2020

Arising Out of PS. Case No.-340 Year-2017 Thana- UDWANTNAGAR District- Bhojpur

ABHISEK KUMAR, age 25 years, Male, Son of Anil Kumar @ Anil Singh,
Resident of Village- Lodipur, P.S.- Chandi, District - Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Prabhat Kumar Singh, Advocate.
For the Opposite Party : Mr. Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 08-12-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks after restoration of normalcy.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in a case for the offence
registered under Sections 386, 307 of the I.P.C. and 27 of the
Arms Act.

The prosecution story, in brief, is that the informant is
a retired Army Personnel who owns a *Tractor* for his livelihood



and feeds his family members. Earlier co-accused Pawan Chaudhary demanded Rs. 1,00,000/- from the informant as a *Rangdari* and on refusal he threatened to kill him. On 30.10.2017, while the informant was returning to his home from Ara, at about 2.15 P.M., as soon as he reached near the *village-Kharauni*, four persons sitting on two *Motorcycles* having intention to commit murder started indiscriminate firing on him by means of weapon holding in their hand. He fled away inside the *village-Kharauni* for safety of his life and he disclosed the name of Abhishek Singh (petitioner) and co-accused Niraj Singh but he could not identify other two persons who fled away towards *village-Belauar*. Co-accused Ranjit Chaudhary, Jai Shankar Chaudhary @ Kariya Choudhary had informed the other accused about his presence in the locality whereafter Abhishek and Niraj alongwith two others came and fired on the informant. Co-villager Chitranjan Chaudhary acts as an informer of Pawan Chaudhary and his companions and informed them regarding the informant or the police movement in the area.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 01.09.2018. Charge sheet has been submitted in the present case. There is no



allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. General and omnibus allegation has been made against the petitioner and other co-accused for firing upon the victim. The case diary is on record. From perusal of the case diary, it appears that in spite of the reminders being made by the Investigating Officer, no injury report has been supplied to him by the concerned authority. For the said reason, there is no injury report on record to show whether any one has been injured in course of occurrence or not. The petitioner has remained in custody for more than two years.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bhojpur at Ara, in connection with Udwantnagar P.S. Case No. 340 of 2017.

(Sudhir Singh, J)

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