

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25743 of 2020

Arising Out of PS. Case No.-119 Year-2020 Thana- GAYA KOTWALI District- Gaya

RISHI KUMAR @ RISHIKESH DUBEY Son of Arbind Dube Resident of
Village- Kara, P.S.- Daudnagar, District- Aurangabad, Presently residing at
C/o K.B. Sahai, Mohalla- Ramsagar Talab, P.S.- Vishnupad, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate

For the Opposite Party/s : APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 12-11-2020 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Gaya Kotwali P.S. Case no. 119 of 2020 registered under sections 307, 341, 323 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the FIR, the accused persons including Subham Kumar and the petitioner came to the house of the informant and thereafter it is stated that Subham Kumar fired on the informant which passed him touching his shoulders. It is stated that the petitioner also fired upon the informant.

It is submitted by learned counsel for the petitioner that the allegations in the FIR are false and concocted. He submits that the injury report neither supports the allegation as levelled in the FIR nor the weapon used for



causing the injury has been mentioned therein. Only an abrasion has been found on the shoulder which has been opined to be simple in nature and which from the FIR is directly attributable to Subham Kumar. The said Subham Kumar has been enlarged on bail by this Court by order dated 4.11.2020 passed in Cr. Misc. no. 24565 of 2020. The petitioner has no criminal antecedent and is in custody since 30.5.2020.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and in the facts and circumstances of the case including the grant of bail to the co-accused, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Gaya Kotwali P.S. Case no. 119 of 2020 on furnishing bail bond of Rs. 10,000/ (Rupees Ten Thousand) only with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya.

(Partha Sarthy, J)

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