

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84021 of 2019

Arising Out of PS. Case No.-181 Year-2019 Thana- KASIMBAZAR District- Munger

VINAY KUMAR Son of Late Manoj Singh Resident of Village - Adarsh Tola,
Bindwara, P.S. - Kasim Bazar, Distt. - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Kamal Nayan

For the Opposite Party/s : Mr.Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 20-03-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Kashim Bajar P.S. Case No. 181 of 2019, registered for the
offence punishable under Sections 307/504/506 of the Indian
Penal Code and Section 27 of the Arms Act.

The brief facts of the case as per the fardbeyan of the
informant, namely Ankit Singh is that on 22.7.2019, in the
morning, while he was going to meet his friend and had
reached near Bindwara Adarsh Tola at the house of CD Sir, at
about 9 A.M., the petitioner herein had fired gunshots on the
informant with the intention of killing him, which had hit the
informant below the chest on the right side of stomach,
whereupon the informant had fallen down and then the
petitioner had threatened him to pay the outstanding amount



of the departmental store, totalling to a sum of Rs. 2500/-, however, upon an alarm being raised, the co-villager had arrived there but the petitioner managed to flee away whereafter the informant was brought to the hospital for treatment.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 2.9.2019. It is further submitted that the petitioner is having a clean antecedent and the injury report would show that the nature of injury has not been disclosed by the Doctor, hence, benefit of doubt can be given to the petitioner and he can be granted the privilege of regular bail.

I have heard the learned counsel for the parties and perused the materials on record as also the case diary. It is apparent from a bare perusal of the injury report dated 22.7.2019 attached with the case diary that the following injuries have been found on the person of the informant:-

- “1. Lacerated circular wound of size $\frac{1}{2}$ ”
in diameter right side of chest, exterior
auxiliary line in 5th intercostals space x
chest cavity deep with inverted margin
bleeding present (wound of entry).
2. Lacerated oval wound of size $\frac{3}{4}$ ” in



diameter on right side of back of chest
scapular line with inverted margin- Wound
of exit.”

It is further apparent from the aforesaid injury report that the injuries have been caused by firearm and the same demonstrates wound of entry and exit of the bullet, which itself is enough to demonstrate that the injury inflicted upon the person of the informant is grievous and caused by firearm. In fact, the police has also found the allegations to be true and has submitted charge-sheet under Sections 307, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act, as against the petitioner herein.

Considering the seriousness of the allegations levelled against the petitioner and the gravity of the offence alleged as also taking into account the fact that there is direct allegation upon the petitioner to have fired gunshots on the person of the informant resulting in grievous injuries to him, I do not find the present case to be a fit case for grant of regular bail, hence, the same stands dismissed.

(Mohit Kumar Shah, J)

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