

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40001 of 2021

Arising Out of PS. Case No.-181 Year-2019 Thana- BALIYA District- Begusarai

RAM HARI SAH Son of Brahmadeo Sah Resident of Village- Bahadur
Nagar, P.S.- Muffasil, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Surya Narayan Sah, Advocate-on-Record
	:	Ms. Sushmita Mishra, Advocate
For the Opposite Party/s	:	Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 22-12-2021 Heard the learned counsel for the petitioner and
Ashok Kumar, the learned APP appearing for the State.

The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with Baliya PS case no. 181 of 2019, registered under Sections 324, 306, 307 of Indian Penal Code and 27 of Arms Act, inasmuch as the earlier prayer of the petitioner for grant of bail was rejected vide order dated 07.09.2020, passed in Cr. Misc. no. 20995 of 2020.

The case of the prosecution in brief is that on 20.05.2019 at about 4.20 pm in the evening while the informant had left his house on a bicycle and had reached near Miralipur Dhab, he saw that his villager Hari Sah was standing on a motorcycle. It is further alleged that thereafter, the informant had



proceeded ahead, however, gun shots were fired on his back and he saw that the petitioner was fleeing on his motorcycle with a pistol in his hand. It is alleged that on account of fire arm injury, blood started oozing out from the back of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 04.01.2020. The learned counsel for the petitioner has further submitted that a bare perusal of the FIR would show that the informant has not taken the name of the petitioner to be the person who had fired gun shots on the informant and hence the petitioner is not having any complicity in the matter.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail and has submitted that the informant has received firearm injury on the left side of the neck, hence the complicity of the petitioner is writ large from the records, inasmuch as the injury has been sustained by the informant on the vital part of the body.

This Court had called for a report from the learned court below with regard to the final opinion of the doctor regarding the nature of the injury caused on the person of the informant, inasmuch as the injury report placed in the case diary had mentioned that the nature of injury is reserved till receipt of



X-ray report. The Superintendent of Police, Begusarai by its letter dated 30.11.2021 has furnished a supplementary report of the Medical Officer, P.H.C., Ballia, Begusarai dated 26.11.2021, which has mentioned that the injuries no. 1 and 2 are simple in nature. This Court thus finds that since the injuries sustained by the informant have been found to be simple in nature, benefit of doubt can be granted to the petitioner for the purposes of grant of regular bail, specially on account of the fact that he is having a clean antecedent and is languishing in custody since about 02 years.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the parties, I deem it fit and proper to admit the petitioner to the privilege of bail, accordingly the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Additional District & Sessions Judge XIV, Begusarai in connection with Baliya PS case no. 181 of 2019.

(Mohit Kumar Shah, J)

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