

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6390 of 2021

Arising Out of PS. Case No.-108 Year-2019 Thana- GURUA District- Gaya

Ritu Raj Singh aged about 22 years, Male, Son of Late Anirudh Singh
Resident of Village- Bishnubigha, P.S.- Gurua, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Adv.

Mr. Rakesh Singh

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-06-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Gurua P.S. Case No. 108 of 2019, registered for the offence under Section 307 & other allied sections of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, on 22.05.2019 at about 8:30 PM, while the informant was coming with his Tempo to his house and reached near Vishnu Bigha Bridge, this petitioner alongwith co-accused riding on a motorcycle intercepted him and this petitioner is alleged to have fired from his pistol, on account of which, the informant sustained injury near his left ear and fell down. It is further alleged that this petitioner also snatched mobile and Rs. 2100/- from the pocket of informant.



It is submitted on behalf of petitioner that petitioner has been falsely implicated in this case. As per F.I.R., the petitioner is alleged to have fired from the pistol, which hit near informant's left ear, but the doctor has not found any fire-arm injury, rather the doctor has opined that the injury was caused by hard & blunt substance. It is further submitted that both parties are neighbour and there is land dispute between them for path between their homes. It is further submitted that though, as per F.I.R., the occurrence took place on 22.05.2019, but the F.I.R. was lodged on 04.06.2019 i.e. after lapse of 12 days and there is no plausible explanation for delay. Petitioner claims clean antecedent and he is in custody since 26.09.2020.

However, learned A.P.P. for the State has opposed the bail petition and submitted that there is specific allegation of firing against this petitioner.

Considering the rival submissions of the parties and materials available on record as well as the fact that there is delay in lodging the F.I.R., the bail petition of petitioner is allowed.

Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned



S.D.J.M., Sherghati, District - Gaya in connection with Gurua
P.S. Case No. 108 of 2019, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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