

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6206 of 2021

Arising Out of PS. Case No.-17 Year-2020 Thana- WARISNAGAR District- Samastipur

VISHAL KUMAR SON OF UMA SHANKAR SINGH ALIAS UMA
SHANKAR MAHTO RESIDENT OF VILLAGE- NAVHATTA, P.S.-
WARISNAGAR, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh
For the Opposite Party/s : Mr. Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-04-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State, through video
conferencing.

The petitioner seeks regular bail in connection with
Warisnagar Police Station Case No. 17 of 2020, registered for
the offence punishable under Sections 307/394/34 of the Indian
Penal Code and Section 27 of the Arms Act.

The allegation, as per the First Information Report, is
that the petitioner, along with two other accused persons,
forcibly put the informant in one four-wheeler, one Ravi Kumar
gave fire-arm to the petitioner, who allegedly fired upon the
informant, due to which the informant sustained gun shot injury
in the left side of his chest.



Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to rivalry between the parties inasmuch as all the five persons were friends and were very well acquainted with each other. He next submits that there is considerable delay in lodging of the First Information Report inasmuch as, as per the allegation, the occurrence took place on 23.12.2019 and the First Information Report has been lodged on 16.01.2020. He further submits that co-accused Ajay Kumar has been granted anticipatory bail by learned Court below upon coming to the categorical finding, after going through the case diary, that no injury report is available in the case record. However, referring to Annexure-2, which is the injury report of private hospital, he submits that when the bail application of the petitioner was filed before the learned Court below, the informant produced the said injury report of private hospital, dated 18.09.2020. He further submits that the petitioner is in custody since 10.09.2020 and charge sheet has already been submitted against him, and as such, there is no chance of the petitioner being abscond or tamper with the evidence.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact



that there is considerable unexplained delay in lodging of the First Information Report, the injury report produced by the informant is of a private hospital issued after nine months of the occurrence, the petitioner is in custody since 10.09.2020 and charge sheet has been submitted against the petitioner, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur, in connection with Warisnagar Police Station Case No. 17 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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