

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.685 of 2021

Arising Out of PS. Case No.-150 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Manshu Kumar S/O Ram Bahadur Kahar @ Ram Bahadur Ram R/o- Village -
kaithma, P.S. - Begusarai Muffasil, Dist. - Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Shubhesh Pandey, Adv.

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 05-07-2021 Heard learned counsel for the appellant and learned
Special P.P. for the State through video conferencing.

The appeal has been preferred against the order dated 16.9.2020 whereby the prayer for bail of the appellant in connection with Mufassil P.S. Case No. 150 of 2020 registered under section 307 and other sections of the Indian Penal Code, section 27 of the Arms Act and sections 3(1)(r), 3(1)(s) and 3 (2) (v) of the SC & ST (Prevention of Atrocities) Act, was rejected.

As per allegation in the F.I.R., it is stated by the informant that as a result of dispute relating to loan given and recovery thereof, accused Rajesh Kumar fired with his pistol. Thereafter, it is stated that the petitioner and co-accused Sugreev Kumar fired causing injuries on the hand of Kanhaiya Kumar and the abdomen of Sohan Thakur.



It is submitted by learned counsel for the appellant that the allegations as levelled in the F.I.R. are false and incorrect. The allegations are general and omnibus in nature. No specific allegation has been levelled as to whose firing resulted in injury to which person. The co-accused have been enlarged on bail vide provision under section 167(2) of the Cr.P.C. It is further submitted that not only there is delay in lodging of the F.I.R., but the F.I.R. was lodged after the informant received the injury report. The appellant is in custody since 26.6.2020.

The appeal is opposed by learned Special P.P. for the State.

Having heard learned counsel for the parties and on going through the materials on record, it transpires that there is specific allegation in the F.I.R against the appellant and one another of firing, and the same is supported from the injury report which has come in the case diary, to the effect that grievous injuries were caused as a result thereof.

In the facts of the case, the Court is not inclined to allow the appeal and the same is rejected.

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(Partha Sarthy, J)

