

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2755 of 2022

Arising Out of PS. Case No.-50 Year-2021 Thana- KARJAIN District- Supaul

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ABHISHEK CHOUDHARY @ SHAMBHU CHOUDHARY @ SHAMBHU
KUMAR CHOUDHARY Son of Chedi Choudhary Resident of Village -
Fakirana, Post- Motipur, Ward No.-9, Motipur, Supaul, Bihar- 852215, Police
Station - Karjain, District - Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms.Nivedita Nirvikar, Sr. Advocate
	:	Mr.Madhumay Madhup, Advocate
For the Opposite Party/s :		Ms.Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-08-2022 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 307, 341, 323, 504, 506 and 34 of the Indian Penal Code read with Section 27 of the Arms Act.

The informant alleges that on 10.04.2021 at about 10:00 am, the petitioner along with eight other accused persons and ten unknown persons came variously armed and started erecting a concrete fencing on the landed property belonging to the informant and on protest, it is alleged that on orders of Raj Kumar Singh and Roshan Singh, Shankar Choudhary and



petitioner opened fire from pistol given to them by co-accused Chhedi Chowdhury and Sumitra Devi respectively, as a result of which the husband of the informant and her son received gunshot injury.

Learned senior counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that from perusal of the allegation it would manifest that admittedly there is a land dispute between the parties, it is next submitted that though in the F.I.R. it has been specifically alleged that petitioner and Shankar Chaudhary fired at the husband and son of the informant but they have not received any gunshot injury, it is next submitted that though the impugned order records that the husband and son of the informant received gunshot injury but that is an error of record.

Learned senior counsel for the petitioner next submits that she has a copy of the injury report issued by Paras Global Hospital which the Court asked her to handover, accordingly the injury report was submitted in the Court and from perusal of the same it would manifest that the same records as follows:-

“This is to certify that Mr. Sonu Kumar Chaodhary age-21 years, male, resident of Vill+PO-Fakrana, Motipur



Supaul Bihar India. he came to emergency at Paras Global Hospital, Darbhanga, dated on 10.04.2021 at 15:18 hrs, with complaints of A/H/O Physical Assault by gun shot injury & with outside MLC paper. Patient was admitted under Dr. Ravindra Kumar Gupta, Vide reg no. 71631-2022/118. patient was discharged. dated on 13.04.2021 at 14:18 hrs.

Course During Hospital Admission:-

Patient came to our institution with chief complaint of gun shot wound over chest and shoulder arm (right) and bleeding from right arm with difficulty to move his right upper limb and chest pain.

On evaluation:- A long tract entry and exit wound +ve on right arm and single entry wound on midline of chest.

Learned senior counsel thus submits that though it has been recorded that a long tract entry and exit wound +ve on right arm and single entry wound on midline of chest on evaluation was there but then there is no injury report as it has also been recorded that “due to outside MLC, we are unable to make injury reports from our hospital side”. Learned senior counsel thus submits that it appears that the report is manufactured one as it does not have injury report.

Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioner and submits that though the injury report issued by Paras Global Hospital records that injury report was not prepared on account of MLC being done outside Paras but then there is a direct allegation against the petitioner in the F.I.R. of firing and causing injury and the same also stands recorded in the impugned order.

Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to extend privilege of anticipatory bail to the petitioner. His prayer for bail is thus rejected.

(Satyavrat Verma, J)

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