

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5685 of 2022

Arising Out of PS. Case No.-205 Year-2021 Thana- SHAMBHUGANJ District- Banka

RAMAN KUMAR @ RAMAN YADAV @ RAMAN KUMAR YADAV Son
of Jamindari Yadav Resident of Village - Asota, P.S. - Shambhuganj, District -
Banka.

... .. Petitioner.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioner : Mr. Purushottam Kumar Das, Advocate.
For the State : Mr. Madhura Nand Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 09-02-2022 The applicant/accused is claiming out of turn hearing on
the ground that he is appearing for the written examination for
recruitment of Police Constable in Bihar Police Force.

The applicant is an accused in Crime No.205 of 2021
registered with Police Station-Shambhuganj for the offences
punishable under Sections 147, 148, 307, 504, 506 of the Indian
Penal Code as well as Section 27 of the Arms Act.

The learned counsel appearing for the applicant has
argued that out and out false case is registered after delay of
about 13-14 days against the applicant. The applicant has no
role to play in the crime in question. There is an admittedly
civil dispute between the parties as seen from the documents
placed on record with the application for bail. The learned



counsel appearing for the applicant further argued that the applicant is not having any criminal antecedents and he has cleared the examination for recruitment in Police Force of Bihar. It is further argued that the injured first informant had sustained injuries from firecrackers and family of the applicant which is involved in the crime in question had no role to play in the incident.

The learned A.P.P. appears for the State.

I have considered the submissions so advanced and also perused the materials placed before me.

The First Information Report is lodged by injured Vikash Kumar, aged about 17 years, who is resident within the territorial jurisdiction of Asota Police Station, Shambhuganj in District-Banka. He has reported that adjacent to his field there is hut. The applicant and other accused persons were hiding in that hut on 25.07.2021. When he reached at his field, all accused persons including the present applicant came in his field armed with dangerous weapons including the firearm. It is further reported that the present applicant abused him and exhorted others to kill him by firing. The First informant further reported that the present applicant fired from the firearm held by him. He sustained injury by firearm at his abdomen, below his



neck as well as on his hands. The first informant stated that after the incident he was taken to the Government Hospital Kurma. There he was given first aid. Subsequently, he was shifted to the Jawahar Lal Nehru Hospital at Bhabalpur. He had lodged the First Information Report while being admitted at the Hospital at Bhagalpur on 06.08.2021.

The delay in lodging the F.I.R. is explained in the F.I.R. itself as the injured is from District-Banka. Because of gunshot injuries he was required to be taken to the hospital at Kurma and subsequently to the Government Hospital at Bhagalpur. It is observed in the order passed by the learned Sessions Judge, Banka, that the first informant has sustained five gunshot injuries on his body which are of grievous nature. The first informant himself is an injured, who is attributing role to the applicant in causing injury to him. No case for grant of bail to the applicant is made out. The application is rejected.

(A. M. Badar, J)

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