

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 9615 of 2022**

Arising Out of PS. Case No.-100 Year-2021 Thana- BALIGAON District- Vaishali

Ravindra Kumar @ Billa Son Of Rajesh Mahto Resident Of Village-
Bishanpur Katesar, Police Station- Baligaon, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 18461 of 2022

Arising Out of PS. Case No.-100 Year-2021 Thana- BALIGAON District- Vaishali

Ajay Paswan Son of Shri Ram Dayal Paswan Resident of Village - Bhusahi
(Beladam), Police Station- Baligaon, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 9615 of 2022)

For the Petitioner/s : Mr. Sunil Prasad Singh, Advocate

For the Opposite Party/s : Mr. Madan Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 18461 of 2022)

For the Petitioner/s : Smt. Sudha Ambastha, Advocate

For the Opposite Party/s : Mr. Madan Kumar, APP

For the Informant : Mr. Jaywardhan Narayan, Advocate

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

4 06-12-2022

Cr. Misc. No. 9615 of 2022

Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period



of four weeks from today.

The petitioner seeks bail in connection with Baligaon P.S. Case No. 100 of 2021 registered for the offence under Sections 307, 379, 511 and 34 of the Indian Penal Code (I.P.C.) and under Section 27 of the Arms Act. Thereafter charge-sheet has been submitted under Section 307 and 34 of the I.P.C. and under Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 16.08.2021.

The allegation against the petitioner is to fire upon brother of the informant, alongwith other co-accused persons out of altercation developed during an orchestra program, causing fire arm injuries.

Learned counsel appearing on behalf of the petitioner submitted that alleged firing was made in air during orchestra and out of said air firing, accidentally, one bullet hits to brother of the informant and, as such, it can be safely gathered that petitioner was not under intention to cause death of the injured. It is also submitted that there is no allegation of repeated firing against this petitioner. It is further pointed out that arrest was made by private persons and, as such, false implication cannot be ruled out. It is submitted that as petitioner found involved in



6 more criminal cases, his name out of suspicion, arises out of criminal antecedents, was also given in present case, where petitioner already acquitted in 3 cases and on bail in one case, whereas he is yet to remand in 2 other criminal cases. It is also submitted that injury report was obtained from private hospital, which cannot be relied upon. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel appearing on behalf of the informant opposes the prayer of bail and submitted that there is specific allegation of firing against this petitioner, who is a man of criminal antecedent, involved in 6 cases.

Considering the facts and circumstances as mentioned above, as arrest was made by private persons, where petitioner is in custody since 16.08.2021 coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Baligaon P.S. Case No. 100 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,



Vaishali at Hajipur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

Cr. Misc. No. 18461 of 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Baligaon P.S. Case No. 100 of 2021 registered for the offence under Sections 307, 379, 511 and 34 of the Indian Penal Code (I.P.C.) and under Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in custody since 16.08.2021.

The allegation against the petitioner is to fire upon brother of the informant, alongwith other co-accused persons out of altercation developed during an orchestra program, causing fire arm injuries.

Learned counsel appearing on behalf of the petitioner submitted that alleged firing was made in air during orchestra and out of said air firing, accidentally, one bullet hits to brother of the informant and, as such, it can be safely gathered that petitioner was not under intention to cause death of the injured.



It is also submitted that there is no allegation of repeated firing against this petitioner. It is further pointed out that arrest was made by private persons and, as such, false implication cannot be ruled out. It is submitted that admittedly, the petitioner was not had fire arm and was alleged to receive fire arms from co-accused Ravindra Kumar@Billa, on spot itself, during the course of occurrence. It is also submitted that injury report was obtained from private hospital, which cannot be relied upon. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel appearing on behalf of the informant opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as arrest was made by private persons, where petitioner is in custody since 16.08.2021 coupled with the fact that charge-sheet has been submitted, where petitioner is a man of clean antecedent, let the petitioner, above named, is directed to be released on bail in connection with Baligaon P.S. Case No. 100 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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