

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10308 of 2022

Arising Out of PS. Case No.-320 Year-2021 Thana- BIDUPUR District- Vaishali

RAVISH KUMAR Son of Kishundeo Singh Resident of Village - Mathura,
P.s.- Bidupur, Distt.- vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh
For the Opposite Party/s : Mr.Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 31-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Petitioner seeks regular bail in a case registered for
the offences punishable under Sections 341, 323, 307 of the
Indian Penal Code and section 27 of the Arms Act.

As per allegation at the time of alleged occurrence
informant talking with his friend and at that time they were
running for appointment of Army and in the meantime,
petitioner came there and took out Pistol and fired as a result of
which informant sustained firearm injury at his Panjra.

The main submissions advanced by the learned
counsel appearing for the petitioner Sri Ranjeet Kumar Singh
are that in the FIR any motive on the part of this petitioner in



attempting to kill the informant by firearm has not been assigned, actually, informant did not sustain any injury as during the course of the investigation the police did not succeed to get the injury report of the informant and according to FIR informant was treated at a private hospital. Further submission is that petitioner has been languishing in jail since 29.07.2021 and further submission is that, against petitioner there are four criminal cases in which he is granted bail after filing of this criminal miscellaneous petition.

Sri Md Ataur Rahman, learned APP appearing for the State has opposed the prayer for bail and submitted that in the case diary injury report of the informant is not available.

Heard both the sides and perused the FIR as well as case diary of this case. Though serious allegation appears against the petitioner from the FIR but petitioner has taken the defence that the informant has not sustained any type of injury and a false allegation has been made in the FIR and any injury report was not produced by the informant and the police did not succeed to get the same despite attempt having been made in this regard. I have perused the case diary and as per FIR informant was medically treated at a private hospital namely Ganpati hospital and during the course of investigation police went to the said hospital but the authority of the hospital said



that petitioner arrived at the hospital for treatment but he left and went to some other places. The police submitted the charge sheet against the petitioner without any injury report and it appears that neither the informant nor his family member attempted to provide injury report of the informant to the police. All these facts go in favour of the defence. Moreover in the FIR any motive on the part of the petitioner has not been assigned to commit the alleged offence. Petitioner has been languishing in jail for the last more than one year and has been charge sheeted and facing trial and same appears to be at initial stage.

Considering these facts, petitioner deserves privilege of bail. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Hajipur in Bidupur P.S Case No. 320 of 2021 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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