

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10216 of 2022

Arising Out of PS. Case No.-412 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

AKHILESH SHAHI @ AKHILESH SAHI SON OF SINESHWAR SHAHI
Resident of Village - Balathari, P.s.- Kuchaikote, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Adv. Mr. Ranjeet Kumar Pandey, Adv. Mr. Bijay Prakash Singh, Adv.
For the State	:	Mr. Md. Mushtaque Alam, APP
For the Informant		Mr. Anil Kumar Singh, Adv. Mr. Sumit Kumar, Adv.

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

2 26-04-2022 The applicant/accused in Crime No. 412 of 2021 registered with Kuchaikote Police Station for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 337, 338, 504, 506 of the IPC and 27 of the Arms Act by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused, learned Additional Public Prosecutor appearing for the State as well as learned counsel for the first informant.

The learned counsel appearing for the applicant/accused argued that earlier bail application of the



applicant was not pressed and no arguments were advanced. Accordingly, the same was disposed of. It is further argued that co-accused with similar roles of firing from the firearm, namely, Vivek Shahi and Amresh Shahi are directed to be released on bail by the learned trial court. The learned counsel for the applicant further argued that the injury report shows that the bullet was not fired and Chharras were fired which caused multiple injuries on the lower part of the body. So far as criminal antecedents are concerned, it is argued that the applicant is Mukhiya of the village and even at his instance eight or nine crimes are registered. It is further argued that the applicant is on bail in all such cases which are politically motivated.

The learned Additional Public Prosecutor opposed the application by contending that the applicant intended to kill Dr. Ankit Kumar by firing at him.

The learned counsel appearing for the first informant argued that the applicant had injured reputed doctor from the town and in all three persons were injured in the incident in question.

The principal offence alleged against the applicant is one punishable under Section 307 of the IPC. What matters



for such offence is intention coupled with some overt-act.

According to the prosecution case, first informant Rakesh Shahi along with his son Dr. Ankit Kumar (the injured) had been to the house of Vijay Rai for extending their condolences. At that time co-accused Vivek Shahi came and indulged in firing from the firearm. Thereafter, he summoned the present applicant as well as other co-accused. It is alleged that they all indulged in firing. The applicant fired at Ankit Kumar, co-accused Amresh Shahi fired at Shubham Rai, co-accused Vivek fired at Shubham Rai so also co-accused Ranjit Shahi fired at Veena Devi. Out of these assailants, reportedly Amresh Shahi and Vivek Shahi are directed to be released on bail by the learned trial court.

So far as the applicant is concerned, he has allegedly injured victim Ankit Kumar. Injury report of Ankit Kumar shows that he suffered injuries by tiny splinters over right side of groin and upper thigh area apart from lacerated wound over right side of buttock.

It is reported that injured Ankit Kumar is fully recovered from the injuries suffered by him and there is no possibility of the offence travelling to more serious than the one punishable under Section 307 of the IPC. Whether the



pillets were fired with an intention to kill or some other offence is made out shall be determined at the conclusion of the trial on the basis of evidence.

The investigation of the subject crime is over. The applicant is reportedly behind bars from 25.09.2021. Injuries attributed to him are by pillets to victim Ankit Kumar who is recovered. Co-accused with similar allegations are already directed to be released on bail by the learned trial court. Care of criminal antecedents of the applicant can be taken by imposing stringent conditions and therefore, I see no reason to refuse bail to the applicant. Hence, the order:-

i. The application is allowed.

ii. The applicant/accused in Crime No. 412 of 2021 registered with Kuchaikote Police Station for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 337, 338, 504, 506 of the IPC and 27 of the Arms Act, be released on bail on executing P.R. bond of Rs.20,000/- (Rupees Twenty Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from



disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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