

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12787 of 2022

Arising Out of PS. Case No.-265 Year-2020 Thana- MAKHDUMPUR District- Jehanabad

RAVI KUMAR S/o Late Raj Nandan Yadav R/o Village- Mishra Bigha, P.S.-
Makhdumpur, District- Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rama Kant Singh
For the Opposite Party/s : Mr.Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Makhdumpur (Tehta O.P.) P.S. Case No. 265 of 2020 registered for the alleged offences under Sections 341, 307, 34 of the Indian Penal Code and 27 of the Arms Act.

As per prosecution case, the petitioner shot at the informant causing injury in his right leg. Other co-accused persons were armed with pistol, danda and lathi and after firing made by the petitioner, they fled away from the spot.

Learned counsel for the petitioner submits that

petitioner has been falsely implicated in this case because of dispute over the execution of Nal Jal Scheme. Learned counsel further submits that though the petitioner is stated to have opened fire but the same was above the knee and it does not appear to be grievous. There was no repetition of fire and certainly there was no attempt on the life of the informant. Even from the report of the doctor in PMCH, it appears no bony injury has been found on the informant. The co-accused Sanjay Kumar has been granted bail on 13.07.2021 passed in Cr. Misc. No. 9486 of 2021. Charge sheet has been submitted against him and the petitioner is in custody since 25.11.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that there is specific allegation against the petitioner that he opened fire and shot at the informant though it was the matter of chance shot hit the informant on his leg.

Having regard to the submissions made on behalf of the parties, considering the fact that the injuries sustained by the informant are simple and on non vital part of the body and further considering the submission of charge sheet and period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/-

(twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Makhdumpur (Tehta O.P.) P.S. Case No. 265 of 2020, subject to the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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