

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13795 of 2022

Arising Out of PS. Case No.-298 Year-2021 Thana- HILSA District- Nalanda

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SURAJ KAUMAR Son of Late Yogendra Prasad Resident of Village- Gulni,
P.S.- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 01-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 325, 307 and 34 of the Indian Penal Code read with section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that his uncle on 21.05.2021 was intercepted by the petitioner along with four unknown accused persons and the petitioner fired at him but the gun misfired, accordingly he assaulted him with the butt of the pistol on the back side of his head causing injury and he fell unconscious, it is next alleged that on coming to know about the occurrence, the informant



reached the place of occurrence where his uncle disclosed that the occurrence was committed by the petitioner and unknown persons, it is further alleged that the uncle of the informant was admitted in ICU for treatment.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on account of dispute relating to land for which a Title Suit No. 92 of 2013 is going on in between the families of the petitioner and the informant. The learned counsel for the petitioner next submits that it absolutely does not stand to reason as to how the informant alleges that it was the petitioner who committed the occurrence when he himself was not present at the place of occurrence and the FIR also discloses that the informant on coming to know about the occurrence, reached the place of occurrence and there he saw that his uncle was lying in an unconscious state. The learned counsel for the petitioner next submits that the informant, who is nephew of the deceased, took the same as an opportunity to falsely implicate the petitioner with whom the family of the informant is having land dispute, by alleging that his uncle disclosed to him that it was the petitioner along with unknown accused persons who committed the occurrence and thereafter he became unconscious. The



learned counsel for the petitioner next submits that it absolutely does not stand to reason that the date of occurrence is 21.05.2021 and the deceased died on 27.05.2021 i.e., six days after the occurrence but he never regained consciousness during his treatment which amply demonstrates that the injury was grievous and when he would have been assaulted by the accused persons then definitely he would not have been in a position to make any statement, the learned counsel for the petitioner further submits that the allegation that the deceased disclosed the name of the petitioner along with some unknown accused when he arrived at the place of occurrence does not inspire confidence for the reason that if the deceased would have been in a position to speak, then definitely he would not have remained unconscious all throughout during his treatment., this further creates doubt with regard to the veracity of the allegation in the backdrop of land dispute between the parties. The learned counsel for the petitioner further submits that petitioner will never evade the law he is a person with clean antecedent and will co-operate in the investigation as and when required.

Learned APP for the State and learned counsel for the informant opposes the prayer for anticipatory bail of the petitioner, the learned counsel for the informant submits that it



was the deceased who disclosed the name of the petitioner to the informant, but is not in a position to rebut the submission of the learned counsel for the petitioner that admittedly there is a land dispute between the families of the informant and the petitioner and also that if the deceased was in a position to speak so clearly to the informant but then during the entire course of treatment he never regained consciousness.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount to the satisfaction of the learned trial court where the case is pending/successor court in connection with Hilsa P.S. Case No.298 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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