

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14399 of 2022**

Arising Out of PS. Case No.-248 Year-2021 Thana- MUFFASIL District- Aurangabad

SHUBHAM KUMAR @ SUBHAM KUMAR @ TAJAL S/o Awadhesh
Singh R/o Village- Raipura, P.S.- Muffasil, Dist- Aurangabad, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avanish Kumar Singh, Advocate
For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP

**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, 307, 504 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 is a young boy aged about 25 years and the informant alleges that on 02.10.2021, he had gone to birthday party where scuffle took place between him and relatives of co-accused on account of keeping leg on informant's chair by co-accused Kaushal Singh's relative which was resolved then, it is next



alleged that after sometimes the informant was intercepted by Shubham Kumar and other co-accused persons, who fired on him causing injury on left side of his head.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that petitioner and the informant were known to each other, it is also submitted that the petitioner would not have committed an occurrence knowing that the informant has recognized him and thus would have created evidence against himself, learned counsel for the petitioner next submits that the dispute which had arisen in a birthday party was resolved then as such there was absolutely no motive or reason for the petitioner to commit the occurrence, learned counsel for the petitioner next submits that occurrence took place on 02.10.2021 and the informant instituted the present case on 03.10.2021 and on 3.10.2021 itself had gone to the hospital for getting treated that in itself demonstrates that the occurrence took place in some other manner and the informant took the same as an opportunity to falsely implicate the petitioner, the learned counsel for the



petitioner next submits that even from perusal of the FIR it would manifest that the same is based on written application of the informant, it is thus submitted that if the informant was shot then he would have been taken to the hospital and the hospital would have informed the police, but the informant himself went to the police station to institute an FIR that also creates doubt with regard to the veracity of the allegation, the learned counsel for the petitioner next submits that during the course of investigation it has come that it was Kaushal who had fired, it is also submitted that the injury is simple in nature.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner, but fairly submits after peruses the case diary that during the course of investigation it has come that firing was made by Kaushal.

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



each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Muffasil P.S. Case No. 248 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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