

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20295 of 2022

Arising Out of PS. Case No.-122 Year-2021 Thana- MATIHANI District- Begusarai

SANTOSH KUMAR SON OF PASHUPATI NATH SINGH R/O VILLAGE-
MATIHANI, P.S.- MATIHANI, DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Nath Singh

For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

2 19-07-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offences punishable under Sections 307, 506/34 of the Indian Penal Code and section 27 of the Arms Act.

The substance of the main allegation is that on the alleged date and time of occurrence, petitioner demanded wine from the informant and when the informant denied to fulfill his demand then other co-accused person arrived there and at the direction of this petitioner he opened firearm as a result of which informant sustained firearm injury at his feet then one Ranjeet Pd. Singh intervened to save the informant then



petitioner took out a pistol and fired at him which caused injury at his hand and in the meantime, villagers gathered and caught the accused persons including the petitioner.

The main submissions advanced by the learned counsel for the petitioner are that as per prosecution story the petitioner and co-accused were caught hold by the prosecution party at the spot but from the possession of the petitioner no firearm was recovered and the injury sustained by the informant has been opined to be simple in nature and the informant himself is an accused in several cases of Excise Act.

Learned APP appearing for the State and learned counsel for the informant have opposed the prayer for bail and submitted that there is specific allegation against the petitioner as he did active role in the occurrence.

Heard both sides and perused the FIR and injury report produced by the petitioner as annexure 3. Allegation made in the FIR shows that petitioner not only instigated the co-accused to cause firearm injury to the informant but also opened firearms at one person, namely, Ranjeet Pd. Singh who intervened to save the informant. The allegation made against him gets support from the injury report of said injured person.

Considering the nature of the allegation appearing



against the petitioner in the opinion of this Court, petitioner does not deserve privilege of bail and accordingly, his prayer for bail in connection with Matihanai P.S. Case no. 122 of 2021 stands rejected.

(Shailendra Singh, J)

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