

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22261 of 2022

Arising Out of PS. Case No.-256 Year-2021 Thana- BARH District- Patna

ISHU KUMAR @ ISHU THATHERA @ ISHU KUMAR THATHERA SON
OF KRISHNA KUMAR @ KRISHNA THATHERA R/O VILLAGE-
BAJITHPUR, WARD NO.3, P.S.- BARH, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-11-2022 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, 342, 307, 504 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The informant alleges that on 30.06.2021 at about 11:00'O clock his brother Sarfaraz was returning to his house from station after selling mangoes and on the way he was intercepted by four named accused persons including the petitioner who surrounded his brother and started abusing him, it is next alleged that on protest Santosh fired



causing injury on his left chest due to which he fell down thereafter all the four accused persons fled away from the place of occurrence and the injured was brought to the hospital.

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 from bare perusal of the allegation as alleged in the FIR it would manifest that no motive has been assigned for the occurrence. Learned counsel next submits that no occurrence takes place without any reason or motive, it is further submitted that informant is not an eye witness to the occurrence but still with certainty he alleges that firing was made by Santosh, it is also submitted that the date of occurrence is 30.06.2021 and the FIR came to be instituted on 03.07.2021 i.e., after a delay of three days without any plausible explanation. Learned counsel next submits that if it has been alleged is true and the brother of the informant sustained firearm injury and was admitted in the hospital then why his fardbeyan or the fardbeyan of the informant was not recorded in the hospital which amply demonstrates



either the occurrence did not take place as alleged or the occurrence had taken place in some other manner and the petitioner came to be implicated by the informant finding the same as an opportunity as the FIR also does not disclose any reason or motive for the occurrence, it is next submitted that petitioner is a student as has been pleaded at paragraph '11' of the anticipatory bail application. Learned counsel further submits that even presuming what has been alleged is true without admitting for the purposes of anticipatory bail then since informant is not an eye witness, as such, a doubt is created with regard to the veracity of the allegation and also that the FIR came to be instituted based on an application submitted by the informant to the concerned S.H.O. of the Police Station and there is no specific allegation of firing against this petitioner.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 Barh P.S.
Case No. 256 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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