

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37052 of 2021

Arising Out of PS. Case No.-242 Year-2020 Thana- BEGUSARAI TOWN District- Begusarai

PRINCE KUMAR Son of Ashok Kumar Singh Resident of Village - Ratanpur
Ward No.21, P.s.- Nagar (Ratanpur), Distt.- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Adv.

For the Opposite Party/s : Mr.Mohammad Sufyan, APP.

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

5 17-05-2022 The applicant/accused in Crime No. 242 of 2020 registered with Begusarai Town Police Station for the offences punishable under Sections 307/34 of the Indian Penal Code as well as Section 27 of the Arms Act, by this application is seeking his release on bail during pendency of the trial after filing of the charge sheet.

Heard the learned counsel for the applicant. He argued that initially on the basis of information received from the spy, co-accused Ankush was arrested and on the basis of his confessional statement, the applicant was taken in custody. It is further argued that belatedly statement of injured Raj Kumar



was recorded on 09.06.2020 in which name of the applicant is figuring. The investigation is over and therefore according to learned counsel for the applicant, as main role is attributed to Ankush, the applicant is entitled to be released on bail.

The learned Additional Public Prosecutor opposed the application by contending that the offence is serious and the victim of the crime in question is naming the applicant as one of the assailant on the customer of his shop.

I have considered the submissions so advance and also perused the material placed before me including the case diary.

The FIR was registered on the basis of report lodged by injured Manish Kumar. He was the customer at the shop of another injured-owner Raj Kumar of that shop. It is averred by first informant Manish Kumar that on 12.05.2020 he was purchasing the consumable items from the shop of Raj Kumar. At that time two customers were present in the shop. Out of them one whipped out a pistol and fired two rounds at Raj Kumar. First informant Manish Kumar further stated that witnessing the incident he tried to run away from the spot but he was fired and the bullet hit at his back.

Injured Raj Kumar had suffered bullet injuries



causing serious wound to his abdomen. His hepaticphxor was ruptured by bullet wound. The attending medical officer had noted that his condition was very serious. So far as Manish Kumar is concerned, the bullet hit at left side of his chest and passed through and through his chest.

Considering the nature of wound suffered by Raj Kumar, at pre-trial stage it cannot be said that statement of Raj Kumar was belatedly recorded by the investigator. His statement makes it clear that because of his serious condition he was not in a position to make a statement. Injured Raj Kumar has stated that co-accused Ankush had fired bullets on him which hits his abdomen and the present applicant fired a bullet at first informant Manish Kumar. According to injured Raj Kumar, the incident took place because co-accused Ankush Kumar had quarreled with him when he was in jail.

Considering the nature of the crime and the aggressive behaviour in firing a bullet at the innocent customer of the shop, no case for grant of bail is made out. The application is accordingly rejected.

However, it is expected of the learned trial court to expedite the trial and in case of inordinate delay in conducting the trial, the applicant shall always be free to approach this



Court for renewal of his request for bail.

(A. M. Badar, J)

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