

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31651 of 2022

Arising Out of PS. Case No.-19 Year-2022 Thana- BIHRA District- Saharsa

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ABHAY KUMAR RAI Son of Ganesh Rai @ Ganesh Roy Resident of
Village - Patori, Ward No.02, P.S.- Bihra, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Advocate Mr. Binod Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr.Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 17-10-2022 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 Bihra P.S. Case No. 19 of 2022

registered for the offences punishable under section 307/34 of

the Indian Penal Code and 27 of the Arms Act.

As per the allegation, on the alleged date and time

of the occurrence petitioner along with one co-accused came to

the house of the informant and called his father and when his

father came out, petitioner shot him in his belly and fled away.

His father was taken to Saharsa Hospital for better treatment.

The main submissions advanced by learned counsel

Shri Ashok Kumar appearing for the petitioner are that the injury report of the father of the informant is completely vague and the same does not disclose the opinion of the doctor concerned with regard to the nature of the injury as well as the weapon by which the said injuries were caused and the petitioner has clean antecedent. Further submission is that in fact, on 17.01.2022 the informant, Ashish Kumar and other co-accused kidnapped the minor sister of the petitioner and committed rape on her regarding which the petitioner lodged Bihra P.S. Case No. 27 of 2022 against the informant and others and the informant's father who is stated to be the main and sole injured of the present case is a retired police officer hence, informant taking advantage of his father's position falsely prepared and lodged the present case.

Shri Syed Ehteshamuddin, learned APP appearing for the State has opposed the prayer for bail.

In view of the above submissions and mainly considering the facts that the injury report of the informant's father who is stated to be the sole injured, appears to be vague as opinion with regard to the nature of the injuries as well as the weapon used in causing the said injuries has not been given by the doctor concerned and also considering the fact that the

petitioner has clean antecedent, in the opinion of this Court the petitioner deserves to a lenient approach of this Court.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri K.K Gupta, Judicial Magistrate 1st Class/ Concerned Court, Saharsa, in Bihra P.S. Case No. 19 of 2022.

(Shailendra Singh, J)

Hassan/maynaz/-

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