

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39754 of 2021**

Arising Out of PS. Case No.-241 Year-2020 Thana- SIKANDRA District- Jamui

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Pramod Yadav, S/O Sagar Yadav R/O Village-Dharsanda, Ps Sikandra,
District Jamui

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Ram Naresh Ray
Mr. Amrendra Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 26-07-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 147,
148, 149, 341, 323, 307, 337, 338, 504 and 506 of the Indian
Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the
petitioner is a young boy of 20 years and is a person with clean
antecedent and the informant alleges that on account of dispute
relating to land, the present occurrence took place in which, it is
alleged that the accused persons caused injury on the side of the
informant by firearm and as far as this petitioner is concerned, it
is alleged that he fired causing injury to Ajit Kumar.

The learned counsel for the petitioner submits that the
entire family members, on account of dispute relating to land,



have been falsely implicated in the present case. It is next submitted that no doubt, there is a specific allegation of firing against this petitioner causing injury to Ajit Kumar on his cheek. It is next submitted that the injured was taken to Primary Health Centre and the Primary Health Centre recorded that it appears to be a suspected firearm bullet injury and referred the injured to Sadar Hospital, Jamui (Annexure-3 to the anticipatory bail application). It is next submitted that the injured instead of going to the Sadar Hospital, Jamui, he went to a private doctor, whose report has been annexed in the case diary and from perusal of the same, it would manifest that the doctor claims to be an Orthopedic and a Physician. It is next submitted that the said doctor is in habit of giving false report. It is further submitted that it absolutely does not stand to reason that if firearm injury was caused to Ajit Kumar, then why he did not go to Sadar Hospital, Jamui and went to a private doctor, who was not competent in terms of his qualification to treat ailment with which he was suffering.

The learned counsel next submits that this amply demonstrates that the petitioner has been falsely implicated in the present case. It is next submitted that there is a reason for not going to Sadar Hospital, Jamui as mother of the petitioner



also instituted Sikandra P. S. Case No.242 of 2020, in which she has specifically alleged that it was Ram Badan Kumar, who fired causing injury to Ajit Kumar. The learned counsel next submits that this also creates doubt with regard to the veracity of the allegation as alleged in the present F.I.R. The learned counsel thus submits that since Ajit Kumr suffered injury at the hands of Ram Badan Kumar, as such, he wanted to save him and thus, did not go to Sadra Hospital, Jamui where he was referred and went to a doctor, who was not competent in terms of qualification to treat such ailments.

The learned counsel next submits that it also does not stand to reason that how the informant has given such vivid description of the occurrence when he himself was an injured. The learned counsel next submits that petitioner is a young boy of 20 years and is a student as has been stated in the supplementary affidavit and in the nature of allegation and the stand taken, doubt is created with regard to the veracity of the allegation and the treatment meted out to him by doctor, who is not qualified to treat such patient. It is further submitted that in the event, if the petitioner based on such allegation is sent to jail, his entire career would be jeopardized. The learned counsel lastly submits that even presuming what has been alleged is true



without admitting, then this is the first offence of the petitioner and the reason for the occurrence is land dispute.

The learned counsel for the informant as well as learned Additional Public Prosecutor opposes the anticipatory bail application. The learned counsel for the informant submits that there is a specific allegation against this petitioner of firing causing injury to Ajit Kumar. It is next submitted that even the doctor at the Primary Health Centre has recorded that the injury appears to be a suspected firearm injury. The learned counsel next submits that even the mother of the petitioner has also instituted F.I.R. wherein she has alleged that it was Ram Badan Kumar, who fired causing firearm injury to Ajit Kumar, as such, it cannot be denied that firearm injury was not caused to the injured. The issue whether it was caused by this petitioner or by Ram Badan Kumar. The learned counsel next submits that no doubt, the petitioner was referred by the Primary Health Centre to Sadar Hospital, Jamui, but the injured in order for seeking proper treatment went to a private hospital, but is not able to meet the submission of the learned counsel for the petitioner that as to how a doctor, who in terms of qualification is not qualified to treat such patient treated.

Considering the submissions made by the learned



counsel for the petitioner and the fact that petitioner is a young boy and a doubt has arisen with regard to the allegation as alleged and the treatment meted out by a doctor, who prima facie does not appear to be competent for providing such treatment, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sikandra P. S. Case No.241 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

However, in the event, if the learned Court below comes to a conclusion that petitioner after his release in any manner is trying to delay the trial, the learned Court below shall forthwith cancel his bail bonds.

The application stands allowed.

(Satyavrat Verma, J)

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