

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30816 of 2022

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

Santosh Kumar Son Of Tuntun Singh, R/O- Vill- Matihani, P.S.- Matihani,
Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amar Nath Singh, Advocate
For the Opposite Party/s	:	Mr. Dilip Kumar No. 1, APP
For the Informant	:	Mr. Shubhesh Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 15-11-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Matihani P.S. Case No. 122 of 2021 lodged under Sections 307
and 506/34 of the I.P.C. read with section 27 of Arms Act.

As per prosecution case, there are two accused of
same name having different parentage are accused in this case.
The specific allegation as per F.I.R. has been made against the
present petitioner that he has fired upon informant with a view
to kill. It has been informed that informant received four
injuries, three injuries are in left leg and one injury is in right

leg. In the meantime, allegation of firing is upon another co-accused also who fired upon Ranjeet due to which other victim suffered two injuries in his right hand, in the meantime villagers had caught another accused and not the present petitioner. In the injured state, the informant has lodged the F.I.R..

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He further submits that petitioner has not been apprehended from the place of occurrence. He further submits that the allegation against the present petitioner is to attack on the informant by fire arm and from the F.I.R. itself it transpires that all the injuries are made in the legs of the informant. Counsel further submits that antecedent of the petitioner is clean and he is in custody since 21.02.2022 and charge sheet has already been submitted in this case. He further submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him by the court.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that the other co-accused against whom the allegation is to caused two fire arms injury on the hand, his bail application has been rejected by the

Co-ordinate Bench of this Court, therefore, parity be maintained and the present bail application should also be rejected. Counsel for the informant also submits that the alleged scooty on which the accused persons were moving was found at the place of occurrence. Counsel for the informant further submits that the allegation of injury by fire arms has also been found in the injury report.

In response thereof, counsel for the petitioner submits that his case and case of the co-accused are different on the ground that:

(i) antecedent of the present petitioner is clean whereas antecedent of another accused having several criminal cases pending against him.

(ii) the period of custody for the present petitioner is about 9 months whereas the period for custody of another accused is just about 10 months.

(iii) The present accused has surrendered before this Court upon getting knowledge his name in the present case whereas the other co-accused whose bail has been rejected has been apprehended from the place of occurrence.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be

granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate Ist Class, Begusarai in connection with Matihani P.S. Case No. 122 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C..

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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