

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29648 of 2022

Arising Out of PS. Case No.-261 Year-2021 Thana- GHORASAHAN District- East
Champaran

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Bal Jugeshwar @ Balajee @ Bal Jugeshwar Sah, Son Of Niranjan Sah @
Niranjan Prasad, R/O Village- Dipahi Tola, P.S.- Chiraiya, District- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rajesh Ranjan, Advocate
For the State	:	Mr.Harendra Prasad, APP
For the informant	:	Mr. Ajay Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-09-2022 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Ghorasahan P.S. Case No. 261 of 2021 registered for the alleged offences under Sections 326, 307, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the petitioner fired upon the elder brother of the informant and the shot hit him on his right arm. They also tried to shoot at the informant and when the informant raised alarm, the petitioner and other unknown co-



accused fled away from the spot leaving behind their motorcycle. Brother of the informant was operated upon and the pellet was taken out. Occurrence took place in the background on demand of extortion money by the petitioner.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The FIR has been lodged after a delay of 40 hours. For an occurrence which took place at 7.30 PM on 29.06.2021, the informant lodged the case at 4.00 PM on 01.07.2021. This fact also shows that this case has been lodged after an afterthought. The injured was admitted in a private hospital which is more than 40 KM from the alleged place of occurrence, but no information was given to the local police station or any other police station. The injured was not taken to any government hospital. The informant has concealed the fact that he is the maternal uncle of the petitioner and they are at an inimical term on account of land dispute. The present case has been lodged by the informant to pressurize the petitioner to enter into a compromise with him in respect of land dispute. Further allegation of the informant that the petitioner threatened the son of the elder brother of the informant on his mobile phone got falsified during investigation as police found no conversation



had taken place between the above noted two persons. Even the recovery of the motorcycle is doubtful as the same was produced by the informant and was not recovered by the police. The said motorcycle was forcibly taken away by the informant from the house of the petitioner and it was produced before the police. Learned counsel further submits that no offence under Section 307 of IPC and Section 27 of the Arms Act is made out against this petitioner. The petitioner is in custody since 11.02.2022 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP as well as learned counsel for the informant vehemently opposes the prayer for bail submitting that the petitioner fired upon the brother of the informant and also on the informant. Treatment of the brother of the informant in a private hospital is quite natural and injury report has been accordingly issued by the private hospital. The injury report also shows injury of the brother of the informant is grievous. Learned counsel further submits that as the informant was getting his brother treated, he could not lodge the FIR just after the occurrence and the same was registered when the condition of the brother of the informant stabilized.

Having regard to the submissions made hereinabove



and considering the relationship of the petitioner and informant in the background of land dispute and possibility of false implication cannot be ruled out and further considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Dhaka, East Chamaparan, in connection with Ghorasahan P.S. Case No. 261 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the deponent, who has sworn the affidavit.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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