

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35919 of 2022

Arising Out of PS. Case No.-125 Year-2020 Thana- BUNIYAD GANJ District- Gaya

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Tinku Singh, Son of Anil Kumar Singh @ Anil Singh, Resident of Mohalla -
Gopalganj Road Buxariya Tola, P.S.- Buniyadganj, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Shivendra Prasad, Advocate
For the informant	:	Mr. Neeraj Singh, Advocate
For the State	:	Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-09-2022 Heard Mr. Krishna Prasad Singh, learned Senior

Counsel for the petitioner, the State and the learned counsel

for the informant.

Let the defect(s) be removed within four weeks of

the complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection

with Buniyadganj P.S. Case No.125 of 2020 instituted under

Sections 147, 148, 149, 341, 323, 307 and 504 of the Indian

Penal Code and Section 27 of the Arms Act.

As per the prosecution story, the allegation is that

when the informant was going on a motorcycle with Uttam

Kumar as pillion rider, 10-12 accused persons intercepted

and assaulted them. The further allegation is that they

opened fire causing injury to Uttam Kumar who was taken to



Jai Prakash Narayan Hospital and from there, he was referred to P.M.C.H., Patna. Accordingly, the present F.I.R. came to be lodged.

Learned Senior Counsel submits that the case is against unknown persons and there is inordinate delay in the statement recorded by the police, so far as the injured person is concerned and as such in the said backdrop, he deserves bail.

Per contra, learned counsel for the informant who has also filed counter affidavit, is that it is not the duty of the injured person to go before police rather the police has to explain why there was delay in recording his statement. His further submission is that the C.C.Tv. footage had covered this petitioner as the person who fired causing injury in the chest of Uttam Kumar. His last submission is that they forcibly took signature on some documents to show that they have compromised the matter.

Be that as it may, as per the observation made by the learned Sessions Judge, it is the petitioner who fired at him causing injury on his right side of the chest, the fact that has not been refuted by the learned Senior Counsel for the petitioner.



In the said backdrop, this Court for the present is not inclined to grant him privilege of bail and the bail application is accordingly rejected.

(Rajiv Roy, J)

Prakash Narayan /-

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