

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46320 of 2021**

Arising Out of PS. Case No.-45 Year-2021 Thana- MOHIUDDIN NAGAR District-
Samastipur

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AJAY KUMAR SINGH @ RAJEEV SINGH S/O DINESH KUMAR SINGH
@ DINESH SINGH R/o village- Bochaha, P.S.- Mohiuddinnagar, District-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. V. N. P. Sinha, Sr. Advocate. Mr. Pramod Kumar Singh, Advocate.
For the Opposite Party/s :		Mr.Md. Ataur Rahman, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 16-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 12.06.2021,
seeks regular bail in connection with Mohiuddin Nagar P.S.
Case No. 45 of 2021 for the offence punishable under Sections
141, 323, 324, 447, 307, 385, 504 and 506 of the Indian Penal
Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that the present
petitioner had demanded extortion of Rs. one lakh from the



informant and on non-fulfillment of the same, the petitioner threatened him of dire consequences and assaulted with Desi katta which hit his arm. He was taken to Mohiuddinnagar primary health centre and injury report was prepared from which it appears that multiple superficial pellet injury was present over left forearm of the informant.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the present case has been lodged against the petitioner due to previous enmity. In fact, the petitioner had no intention to commit such offence rather a false case due to malicious enmity and grudge has been lodged against him. The petitioner is next door neighbour of the informant. He further submits that in Para-10 of the bail petition, he has stated that the informant had borrowed some money which he was not returning and he has implicated him in a false case. He further submits that from the injury report also, it appears that though there is gun shot injury but it is not distinct as to whether on which arm the said injury was caused due to gun shot which also falsifies the injury report submitted by the doctor with respect to the allegation made in the F.I.R. The petitioner has clean antecedent and is in custody since



12.06.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that serious allegation has been made against the petitioner who assaulted the informant with fire arm and there is multiple superficial pellet injury on the forearm of the informant which has been caused with an intention to commit murder of the informant.

Considering the aforementioned facts and circumstances of the case as well as the nature of allegation made in the F.I.R., on perusal of the impugned order it appears that multiple superficial pellet injury has been found on the left forearm of the informant and the doctor has opined the same as simple injury caused by fire arm, chargesheet has already been submitted, there is no likelihood of tampering with the evidence or influencing the witnesses, petitioner is in custody since 12.06.2021, prima facie the petitioner has made out a case to be released on bail, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-IV, Samastipur in connection with Mohiuddinnagar P.S. Case No. 45 of 2021, subject to the following conditions:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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