

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46571 of 2021

Arising Out of PS. Case No.-240 Year-2019 Thana- MAHUA District- Vaishali

Nikku Kumar @ Rajeev Kumar Son Of Bindeshwar Ray Resident Of Village-
Sadapur, P.S.- Mahua, District- Vaishali.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Bela Singh

For the Opposite Party/s : Mr. Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-01-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner seeks bail in connection with Mahua P.
S. Case No.240 of 2019, instituted for the offences under
Sections 341, 323, 307, 379, 427, 504, 34 of the Indian Penal
Code and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the
petitioner is in custody since 31.05.2021, he is a person with
clean antecedent and charge-sheet has been submitted in the
case.

Allegation is of firing at the informant which hit on
his left ankle due to which he became injured and fell down on
the ground and thereafter, it is alleged that co-accused Sanjeev
Rai took Rs.65,000/- from the dicky of his motorcycle and they



also damaged his motorcycle.

The learned counsel for the petitioner submits that the sister of the petitioner namely, Pinki Kumari has filed a complaint case bearing no.3867 of 2014 in the Court of learned C.J.M., Vaishali on 28.11.2014 against the present informant and his sons and in that case, the trial is going on vide Trial No.415 of 2021 and just to pressurize the sister of the petitioner, the present false case has been instituted, so that the sister of the petitioner does not pursue the said complaint case.

The learned counsel for the petitioner further submits that as far as firearm injuries is concerned, the same is concocted and false, as the father of the petitioner had petitioned before the District Magistrate, Vaishali to constitute a medical board for examining the nature of injury as alleged in the F.I.R., because the injury was not a firearm injury. Accordingly, in pursuance of the representation of the father of the petitioner, direction was given to reconstitute the medical board by memo no.1470 dated 29.07.2019, but till date no medical board was constituted.

The learned A.P.P. for the State opposes the bail application.

Considering the fact that the petitioner is in custody



since 31.05.2021, he is a person with clean antecedent, charge-sheet has been submitted in the case and a complaint case has been filed by her sister against the informant of the present case, the petitioner, above-named, 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 Chief Judicial Magistrate, Vaishali in connection with Mahua P. S. Case No.240 of 2019.

The application stands allowed.

(Satyavrat Verma, J)

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