

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39107 of 2022

Arising Out of PS. Case No.-270 Year-2021 Thana- UJIYARPUR District- Samastipur

Rakesh Kumar, Son Of Tej Narayan Mahto @ Tej Narayan Singh Resident Of
Village - Pachpaika, P.S.- Ujiyarpur, Distt.- Samastipur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap
For the Opposite Party/s : Mr. Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 06-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 144,
506 of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the
petitioner has antecedent of three cases and the informant
alleges that on 03.09.2021 at about 7.30 P.M., three named
accused persons including the petitioner and two unknown open
fired with their pistol at Mahathi Lalu Chowk. It is further
alleged that informant along with other people went to the house
of co-accused Prabhat Kumar for complaining to his mother.
Thereafter, it is alleged that after half an hour, all the accused
persons again opened fire upon the informant and other persons



near Mahati Brahanda Siman. Accordingly, informant informed the police, who came at the place of occurrence and recovered one cartridge and further, one cartridge was recovered the next day which was handed over to the police and accordingly, the F.I.R. was instituted.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case because of his antecedent. It is next alleged that the date of occurrence 03.09.2021 and the F.I.R. has been instituted on 05.09.2021 i.e. after a delay of two days without any plausible explanation. It is next submitted that though it is alleged that two empty cartridges were recovered, but then, there is no seizure list attached with the F.I.R. and the allegation of firing is also general and omnibus in nature. It is next submitted that it absolutely does not stand to reason that if the petitioner along with unknown were firing indiscriminately at the informant and other persons as alleged and why no one was injured that further demonstrates the falsity of the allegation. The learned counsel next submits that petitioner will not evade the law and will cooperate in the investigation and will present himself as and when required by the Investigating Officer.

Learned A.P.P. opposes the bail application.



Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, 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 the learned Court below where the case is pending in connection with Ujiyarpur P. S. Case No.270 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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