

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53884 of 2021

Arising Out of PS. Case No.-127 Year-2021 Thana- RAJAPAKAR District- Vaishali

1. Rahul Kumar @ Guddu Kumar S/O Vinod Kumar R/O Village-Barua, P.S-Rajapakar, District-Vaishali.
2. Aman Kumar S/O Vinod Kumar R/O Village-Barua, P.S-Rajapakar, District-Vaishali.
3. Gaurav Kumar S/O Vinod Kumar R/O Village-Barua, P.S-Rajapakar, District-Vaishali.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha

For the Opposite Party/s : Mr. Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-07-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 504, 506, 34 of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent, they are own brothers and are young boys in the age group of 19 to 22 years and the informant alleges that on 07.05.2021 at about 10.30 P.M., he had gone to attend his friend's sister's wedding when the petitioner along with Chandan Kumar arrived at the place of occurrence and fired at the informant hitting him on his head on account of which, he fell down. Thereafter, it is alleged that all



the accused assaulted the informant with butt of the gun and left him thinking that he died. It is next alleged that the accused had earlier asked for ransom from the informant.

The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is next submitted that the informant had taken loan of Rs. One lac from Aman Kumar (petitioner no.2) on 25.05.2020 for which an agreement was also executed (Annexure-2 to the anticipatory bail application). It is further submitted that since the informant did not intend to repay the loan, as such, he falsely implicated the petitioner. It is next submitted that Rahul Kumar and Aman Kumar were not even present at the place of occurrence and in support of the same, the petitioners placed reliance on Annexures-3 and 3/1 to submit that they had to pay fine at Bhubneshwar as they were found not wearing mask. The learned counsel draws the attention of the Court to the order impugned and submits that from perusal of the impugned order, it would manifest that the learned Court below has categorically recorded that injury report of the informant is mentioned at Page-28 of the case diary which shows that lacerated wound was found over the head caused by hard and blunt substance and the opinion recording the nature of injury was kept reserved by



the doctor. Thus, it is submitted that when the informant in the F.I.R. specifically alleges that the accused fired at him causing injury on his head, but then the injury report is at complete variance with the allegation as alleged in the F.I.R. This amply demonstrates that the petitioners have been falsely implicated by the informant for the reasons aforesaid.

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

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Rajapakar (Baranti O.P.) P. S. Case No.127 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

