

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44232 of 2022

Arising Out of PS. Case No.-50 Year-2021 Thana- PASRAHA District- Khagaria

Abhinandan Kumar Son Of Vijay Singh, R/O Village- Pasraha, P.S.- Pasraha,
District- Khagaria.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
		Mr. Dilip Kumar, Advocate
For the Opposite Party/s	:	Mr. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, as pointed out by the office,
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Pasraha P.S. Case No. 50 of 2021 registered for
the alleged offences under Sections 302, 307/34/120(B) of the
Indian Penal Code and Section 25(1-b)a, 26(i), 35, 27 (i) (ii) (iii)
of the Arms Act.

As per prosecution case, the petitioner and other co-
accused persons who were armed with pistol and *katta*, opened
fire and the brother of the informant became injured in this
firing. The co-accused Guddu @ Sakesh Singh has also received
injuries. The brother of the informant died. The occurrence took



place in the background of some election dispute between two groups.

The learned senior counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. True fact of the case is that the co-accused Sujit Kumar has lodged Pasraha P.S. Case No. 52 of 2021, wherein he has stated that he was intercepted by Guddu @ Saket Singh along with the deceased Nripendra and other co-accused persons and Guddu @ Saket Singh fired upon him, causing injury on his face, and in order to save himself, he hid behind the deceased of the present case but Guddu @ Saket Singh again fired upon him, causing death of Nripendra, the deceased, in the present case. It is further stated in the aforesaid F.I.R. that Guddu @ Saket Singh tried to kill the petitioner but, in the scuffle, by mistake Guddu @ Saket Singh was hit by his own gun. There were two versions of the same occurrence. From bare perusal of the F.I.R., it would appear that no root cause has been given for the occurrence. Though the informant alleged that on the order of one Nitu Devi, the named accused fired at the brother of the informant and Guddu @ Saket Singh, in which, brother of the informant died and Guddu @ Saket Singh



sustained injuries. But there is no eye witness to the alleged occurrence and even the informant is not an eye witness. This fact is clear from a narration made by the informant as he is completely silent with respect to the fact that who fired the fatal shot on the deceased and caused injuries to Guddu @ Saket Singh. The allegation of firing is general and omnibus against all the four accused persons. The learned counsel further submits that the petitioner is in custody since 30.03.2022 and charge-sheet has been submitted. Similarly placed co-accused Sujit Kumar has been granted bail by a Co-ordinate Bench of this Court vide order 24.02.2022 passed in Criminal Misc. No. 55804 of 2021.

Learned APP for the State opposes the prayer for bail submitting that there is specific allegation against the petitioner and other co-accused persons for opening the fire, which caused death of the informant's brother and injuries on Guddu @ Saket Singh.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there appears to be two versions of the same occurrence with doubt over the assailants who fire upon the deceased and further considering the period of custody of the petitioner along



with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate, Khagaria, in connection with Pasraha P.S. Case No. 50 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Ashish/-

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

