

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45026 of 2022

Arising Out of PS. Case No.-107 Year-2022 Thana- MAKER District- Saran

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Mohit Kumar Son of Shambhu Baitha Resident of Village - Chand Tahara,
Police Station- Maker, District - Saran (Chapra.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 45821 of 2022

Arising Out of PS. Case No.-107 Year-2022 Thana- MAKER District- Saran

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Abhishek Kumar son of Raju Baitha Resident of Village - Chand Tahara,
Police Station- Maker, District - Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 45026 of 2022)

For the Petitioner/s : Mr.Mukesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

(In CRIMINAL MISCELLANEOUS No. 45821 of 2022)

For the Petitioner/s : Mr.Mukesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Binod Kumar No. 3, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 30-11-2022 Both the criminal miscellaneous petitions have arisen out of same police station case number, hence they are being heard together and disposed of by a common order.

The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.



Heard learned counsel for the petitioners and learned APPs for the State.

Petitioners seek regular bail in connection with Maker P.S. Case No. 107 of 2022 registered for the offences punishable under Sections 307, 504 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution, the informant was shot by the petitioner Abhishek Kumar at his abdomen over a verbal altercation between both the parties and thereafter he fled away from the alleged place with the petitioner Mohit Kumar.

The main submissions advanced by learned counsel Mr. Mukesh Kumar Singh, appearing for the petitioners are that in the FIR there is no allegation against the petitioner Mohit Kumar and as per the FIR both the petitioners after alleged occurrence of causing firearm injury to the informant fled away leaving behind their motorcycle but during the course of investigation it was found that the said motorcycle belongs to another person and both the petitioners have fair and clean antecedent and they have been languishing in jail for the last six months and the FIR was lodged after inordinate delay.

Learned APPs Mr. Umesh Lal Verma and Mr. Binod Kumar No. 3, appearing for the State in Cr. Misc. No. 45026 of



2022 and Cr. Misc. No. 45821 of 2022 respectively, have opposed the prayer for bail.

Heard both the sides and perused the FIR. There is a serious and specific allegation against the petitioner Abhishek Kumar and simply on account of delay in delivery of tea by the informant who is the owner of the hotel the said petitioner fired at him and caused alleged firearm injury at the abdomen of the informant and the said petitioner is named in the FIR and the informant made specific allegation of firing against him. Considering the nature of allegation appearing against the petitioner Abhishek Kumar this Court is not inclined to grant the privilege of bail. Accordingly, the prayer of the petitioner Abhishek Kumar stands rejected.

Petitioner Abhishek Kumar may renew his bail prayer after the examination of the informant in his trial.

So far as the prayer of the petitioner Mohit Kumar is concerned, as against him there is no serious allegation and he was simply alleged to be in the company of co-accused Abhishek Kumar and the facts of the FIR go to show that the alleged occurrence of firing took place at the spur of the moment on account of non-delivery of tea on time by the informant, in the opinion of this Court petitioner Mohit Kumar



deserves to a lenient approach of this Court. Accordingly, let the petitioner Mohit Kumar be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Maker P.S. Case No. 107 of 2022.

(Shailendra Singh, J.)

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