

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55804 of 2021

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

Sujit Kumar, age 35 years, Gender-Male, Son of Late Ramdeo Singh Resident of Village- Mahaddipur, P.S.- Pasraha, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur, Adv. Mr. Udbhav, Adv.
For the State	:	Mr. Aditya Narayan Singh.1, APP
For the Informant	:	Mr. Pawan Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 24-02-2022 Heard Mr. Ajay Thakur, learned counsel for the petitioner and Mr. Aditya Narayan Singh-1, learned A.P.P. for the State as also Mr. Pawan Kumar, learned counsel for the Informant.

Let the defect(s), if any, be removed within a period of four weeks after complete start of the physical Court.

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

Learned counsel for the petitioner submits that the petitioner is in custody since 20.04.2021 and has criminal antecedent of two cases and the charge-sheet has been



submitted. It is submitted that the petitioner has been acquitted in one case and, as such, he has antecedent of only one case. Learned counsel for the petitioner further submits that the Informant alleges that on the order of Nitu Devi, the named accused persons fired at the brother of the Informant and Guddu @ Saket Singh in which the brother of the Informant died and Guddu @ Saket Singh sustained injury. It is also alleged that the petitioner also received injury but, was taken away by the accused persons. Learned counsel for the petitioner further submits that the petitioner has been falsely implicated in the present case. He further submits that though the Informant claims to be an eyewitness to the occurrence but, the F.I.R. is completely silent with respect to the fact that who fired that hit the deceased and Guddu who sustained injury. It is submitted that the allegation of firing is general and omnibus in nature. Learned counsel for the petitioner further submits that the F.I.R. itself records that even this petitioner was injured but, then again the F.I.R. is silent that how and who fired at the petitioner. Learned counsel for the petitioner submits that it appears that the Informant though claims to be an eye-witness but, is not an eye-witness to the occurrence. He further submits that the present petitioner also instituted case bearing Pasraha P.S. Case



No. 52 of 2021 wherein he has stated that he was intercepted by Guddu @ Saket Singh along with the deceased and other accused persons and Guddu @ Saket Singh fired at him causing injury on his face and thus, he, in order to save himself, went behind the deceased of the present case but, Guddu made another fire causing death of the deceased of the present case and, thereafter, it is alleged that Guddu tried to kill the petitioner also but, in the scuffle, by mistake, Guddu was hit by his own gun and the petitioner became unconscious and when he gained his conscious, he was in the hospital and, accordingly, the F.I.R. was instituted. Learned counsel for the petitioner thus submits that there are two versions of the same occurrence and the petitioner also suffered injury.

Learned counsel for the Informant and learned A.P.P. for the State vehemently oppose the prayer for bail of the petitioner. Learned counsel for the Informant is not able to meet the submissions made by the learned counsel for the petitioner that if the Informant was an eye-witness to the occurrence then why, in the F.I.R., he neither disclosed as to who, amongst the accused, fired at the deceased nor the Informant disclosed how the petitioner got injured.

Considering the fact that the petitioner is in custody



and the charge-sheet has been submitted and the allegation of firing is general and omnibus in nature as also there is another version of the occurrence and taking into consideration the submissions made by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Khagaria in connection with Pasraha P.S. Case No. 50 of 2021.

At this stage, learned counsel for the Informant submits that the petitioner has five criminal antecedents and, thus, the petitioner has concealed the same in the bail petition.

In view of the above, learned court below will release the petitioner only after verifying the criminal antecedent of the petitioner and, if it is found that the petitioner has five criminal antecedents, in that event, the petitioner shall not be released on bail.

(Satyavrat Verma, J)

rishi/-

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

