

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46117 of 2022

Arising Out of PS. Case No.-54 Year-2021 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Brajesh Kumar Son Of Baleshwar Singh @ Bleswar Singh Resident Of
Village - Pahsara, Ward No.- 08, P.S.- Nowkothi, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 06-12-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the

learned APP for the State.

Petitioner seeks regular bail in connection with

Nowkothi Garhpura P.S. Case No. 54 of 2021 registered for the

offences punishable under Sections 323, 341, 506, 307 and 34

of the Indian Penal Code and Section 27 of Arms Act.

As per the prosecution, the informant was surrounded

by this petitioner and other co-accused persons at the alleged

place. Further this petitioner is alleged to have opened fire at the

informant.



The main submissions advanced by the learned counsel Mr. Sandip Kumar Gautam appearing for the petitioner are that the alleged incident is stated to have taken place on 07.04.2021 but the FIR was lodged on 09.04.2021 two days after the alleged occurrence while the distance of place of alleged occurrence is two kilometers from the nearest Police Station, in fact prior to the institution of the FIR of the present case father of the petitioner had lodged Nowkothi P.S. Case No. 20 of 2021 in which the informant of the present case was made an accused and owing to that enmity the alleged occurrence was falsely prepared. Further submission is that the allegation of causing fire-arm injury to the informant does not get corroboration from the injury report as no fire-arm injury was found on the body of the informant and only two abrasions opined to be simple in nature caused by hard and blunt object were found on his body. Further submission is that petitioner is a student having clean antecedent and has been languishing in jail since 27.06.2022.

Learned APP Pushpa Sinha appearing for the State has opposed the bail prayer.

Having regard to the facts and circumstances of this case and considering the above submissions and mainly the



facts that the FIR was lodged after the delay of two days and as per the statement made in Paragraph No.13 of the petition there was not good relation between the petitioner's family and the informant and as per the statement made in Paragraph No.11 of the petition only two injuries being in nature of abrasion were found on the body of the informant which have been opined to be caused by hard and blunt object and the said opinion is against the allegation of causing injuries by using fire-arm and also taking into account the petitioner's clean antecedent as well as his young age, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released 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 concerned Court in connection with Nowkothi Garhpura P.S. Case No. 54 of 2021.

(Shailendra Singh, J.)

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