

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50393 of 2022**

Arising Out of PS. Case No.-110 Year-2021 Thana- NATHNAGAR District- Bhagalpur

KUNAL PRIYA RATNA @ KUNAL RATNA PRIYA S/o Vimal Yadav @
Vimal Kishore Yadav R/o village- Bhimkitta, P.S.- Madhusudanpur
(Nathnagar), District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha.

For the Opposite Party/s : Mr.Satyendra Narayan Singh

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 09-12-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Nathnagar (Madhusudanpur) P.S. Case No. 110/2021, registered for the offence punishable under Sections 341, 323, 448, 307, 379, 504, 354(B), 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution, in brief, is that on 14.2.2021 at about 7:30 am., while the informant was in her house with her children, the accused persons including the petitioner herein had arrived there and started firing



indiscriminately from their arms, whereafter they are stated to have searched for the husband of the informant, but could not find him. It is further alleged that the petitioner had fired on the informant, but the bullet did not hit her and passed by. It is also alleged that the co-accused person, namely, Chotu Kumar, had snatched the Magalsutra from the neck of the informant and had taken away jewellery from the Almirah of the informant as also had threatened her that her husband would be killed.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 14.6.2022. The learned counsel for the petitioner further submits that the present case arises out of a case and a counter case, the case filed by the petitioner against the husband of the informant and her family members being first in time i.e. the one bearing Nathnagar (Madhusudanpur) P.S.Case No. 105/2021 whereas the present case



has been numbered as Nathnagar (Madhusudanpur) P.S.Case No. 110 of 2021. It is further submitted that the petitioner has not been alleged to have engaged in any sort of overt and it has been merely alleged that though the petitioner had fired on the informant, but the bullet had passed by and it did not hit the informant. As far as allegation of taking away jewellery is concerned, the same has been levelled against the co-accused person, namely, Chotu Kumar. It is also submitted that though the petitioner is an accused in three other cases, but he has been acquitted in one of them while the other two have been filed by his cousin brothers on account of family disputes, whereas on the contrary, the husband of the informant is a veteran criminal, inasmuch as he is an accused in four criminal cases. Lastly, It is submitted that the Sub-Inspector of the concerned Police Station is maternal uncle of the informant, hence, a false and fabricated case has been lodged against the petitioner.



Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court finds that neither the informant is stated to have been injured nor she is stated to have received any gunshot injuries and only an ornamental allegation has been levelled against the accused persons including the petitioner herein, apart from the fact that the present case appears to have been filed as a counter blast to the case, filed by the petitioner against the husband of the informant and her family members as also he is languishing in custody since 14.6.2022, hence, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with



two sureties of the like amount each to the satisfaction of learned CJM, Bhagalpur in connection with Nathnagar (Madhusudanpur) P.S. Case No. 110 of 2021, corresponding to G.R.No. 996 of 2021.

(Mohit Kumar Shah, J)

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