

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50654 of 2022

Arising Out of PS. Case No.-167 Year-2022 Thana- KAUWAKOL District- Nawada

RAJENDRA SAO @ RAJENDRA PRASAD KANU Son of Late Sibb Sao
Resident of Village - Kowakole, Durga Mandap, P.S.- Kawakole, District-
Nawadah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-12-2022 Heard the learned counsel appearing for the petitioner
and learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with
Kowakole P.S. Case No. 167 of 2022 for the offence punishable
under Sections 25(1-b)a/26 of the Arms Act.

The case of the prosecution, in brief, is that on the
alleged date and time of occurrence, altercation had taken place
in between the petitioner and the informant whereupon the
petitioner had threatened the informant that he would kill him
after Holi. Subsequently, the petitioner is stated to have entered
in the house of the informant, armed with a country made pistol
and had tried to open fire, however, the informant and his family
members had caught him with the pistol and called the police,
whereafter he was arrested.



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 19.05.2022. It is further submitted that the petitioner is having a fair antecedent inasmuch as he is an accused only in one other criminal case. It is also submitted that the present case arises out of case and counter case and in fact the petitioner has also filed an FIR bearing Kowakole P.S. Case No. 168 of 2022, against the informant of the present case and his three sons on the allegation of them having assaulted the petitioner resulting in him sustaining injuries on account of which he was admitted in the hospital for treatment. It is next submitted that though a country made pistol is stated to have been recovered by the police but then the materials available on record would show that the same was not recovered from the conscious possession of the petitioner but was handed over to the police, by the informant of the present case, hence, apparently the entire prosecution story is cooked up and fabricated. Lastly, it is submitted that the petitioner is an old man aged about 65 years and he is not in a position to assault anyone or for that matter fire gun shots on any person.

Per contra, the learned A.P.P. appearing 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 as also considering the fact that the present case arises out of case and counter case, the petitioner is stated to have been admitted in a hospital for treatment on account of him being assaulted by the informant and his sons on the alleged date and time of occurrence apart from the fact that no allegation has been levelled regarding firing of gun shots by the petitioner on the informant and his sons and moreover, the petitioner is stated to be languishing in custody since 19.05.2022, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail upon him furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Nawadah in connection with Kowakole P.S. Case No. 167 of 2022.

(Mohit Kumar Shah, J)

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