

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.291 of 2022

Arising Out of PS. Case No.-394 Year-2019 Thana- LALGANJ District- Vaishali

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UTPAL KUMAR PANDEY @ UTPAL PANDEY @ UTPAL KUMAR @
CHHOTU Son of Ravindra Pandey @ Ravindra Kumar Pandey Resident of
Village - Lakhan Sarai, P.S.- Lalganj, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Avinash

For the Opposite Party/s : Mr.Ajay Kumar No. 2

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 30-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Lalganj
P.S. Case No. 394 of 2019 registered for the offences punishable
under Sections 341, 323, 307, 504, 506/34 and 27 of the Arms Act.

As per prosecution case, there is accusation against
Utpal Kumar Pandey (petitioner) is that he took out pistol from his
waist and fired at the informant, which hit on his thigh and due to
which he fell down.

Learned counsel for the petitioner submits that
petitioner is in custody since 19.11.2021. Petitioner bears three
criminal antecedent in which he is on bail in all cases. Charge



sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that there is a case and counter case between the parties on the same date of occurrence. There is no sufficient evidence to prove the prosecution case against the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner as there is specific accusation against the petitioner is that he fired from his pistol which hit on the thigh of the informant and the injury report shows fired arm injury causing grievous in nature as mentioned in the impugned order.

Considering the facts and circumstances of the case as well as specific accusation against the present petitioner as mentioned in the F.I.R. supported by injury report and material available on record, I am not inclined to grant bail to the petitioner. Accordingly, bail petition of present petitioner is hereby rejected. However, learned court below is directed to expedite the trial.

(Alok Kumar Pandey, J)

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