

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6386 of 2023

Arising Out of PS. Case No.-404 Year-2022 Thana- CHAKAND District- Gaya

PURSHOTTAM KUMAR S/O-Prem Kumar Resident of Village- Bitho
Sharif, P.S.- Chakand, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks regular bail in connection with Chakand
P.S. Case No. 404 of 2022, registered for the offences
punishable under Sections 341, 323, 307, 379 and 324/34 of the
Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution, the informant was assaulted by
the petitioner by means of brick at his back and co-accused Ajit
Kumar hit the informant at his head with a brick. Further it is
alleged that this petitioner opened fire at the informant's cousin
namely, Santosh Kumar which grazed his cheek.

The main submissions advanced by petitioner's counsel
are that in between the petitioner's family and informant's



family a civil litigation is running with regard to the partition dispute and in this regard Annexure- 3 has been filed, the entire family members of the petitioner have been made accused in the present matter and the proceeding under Section 144 of Cr.P.C. is also running in between both the parties. Further submission is that the petitioner is a student of B.Ed course and his examination is to be held very soon and he has been languishing in jail since 26.11.2022.

Learned counsel appearing for the informant has vehemently opposed the prayer for bail and submitted that there is specific and direct allegation against the petitioner as to have fired at the cousin brother of the informant and the said injured sustained firearm injury as per the order impugned.

Considering the serious and specific allegation appearing against the petitioner that he allegedly fired at the cousin brother of the informant and the said allegation gets corroboration from the injury sustained by the said injured as per the order impugned, in my opinion it is not a fit case for bail to the petitioner. Accordingly, petitioner's prayer for bail stands rejected.

The petitioner may renew his prayer for bail after framing of charge before the trial court, if he avails the said



liberty then the trial court will decide his bail prayer on merit.

(Shailendra Singh, J.)

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