

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6211 of 2023

Arising Out of PS. Case No.-190 Year-2022 Thana- BIHIA District- Bhojpur

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Aman Singh, S/o Narendra Kumar Singh, Resident of Village- Judge
Bharasara, P.S.- Bihiya, District- Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Prabhat Kumar Singh, Advocate

For the Opposite Party : Mr. Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 09-05-2023 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Bihiya
P.S. Case No.190 of 2022 registered for the offences punishable
under Sections 307 read with 34 of the Indian Penal Code and
Section 27 of the Arms Act.

The accused/petitioner is named in the FIR and is
in custody since 14.09.2022.

The allegation against the petitioner is to fire upon
informant causing fracture in his ribs through bullet injuries,
where cause of occurrence is unexplained as per narration of
FIR.

It is submitted by learned counsel that the reason of
occurrence is unexplained as per narration of FIR and there is



no motive attributed to this petitioner as to open fire upon informant. It is also submitted that allegation of firing is not appears repeated as per narration of FIR, where injury report suggests that two bullet injuries were found upon the chest of informant, where admittedly the treatment of informant was under private hospital and, as such, procurement of favourable injury report can not be ruled out. It is submitted that co-accused Vikash Ojha was granted bail by one of the learned co-ordinate Bench of this Court vide order dated 04.03.2023 passed in Cr. Misc. No.723 of 2023. While travelling on argument, it is pointed out that the present FIR was lodged after three days without any just explanation, which itself suggest an afterthought particularly when informant/injured is knowing petitioner. While concluding argument, it is submitted that petitioner is a man of clean antecedent and moreover investigation of the case is completed, for which charge-sheet has already been submitted and, as such, there is no chance of tampering with the evidence.

Learned APP for the State while opposing the prayer for bail submitted that there is specific allegation of firing is available against the petitioner causing injury upon the chest of the informant.



In view of the above-mentioned facts and circumstances and by taking contradictions in the statement of injured *qua* injury report, which was admittedly issued by private hospital, where petitioner is in custody since 14.09.2022, coupled with the fact charge-sheet has already submitted, accordingly, the above-named petitioner is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Bihiya P.S. Case No.190 of 2022, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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