

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21506 of 2022

Arising Out of PS. Case No.-109 Year-2019 Thana- AMARPUR District- Banka

PRABHAKAR SINGH SON OF LATE JANARDAN SINGH R/O
VILLAGE- MAJHGAON, P.S.- AMARPUR, DISTRICT- BANKA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.N.K. Agarwal, Sr. Advocate
	:	Mr.Ashok Kumar Jha, Advocate
For the Opposite Party/s	:	Mr.Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 23-01-2023 Heard Shri N.K. Agarwal, the learned senior
counsel for the petitioner and the learned A.P.P. for
the State.

The petitioner seeks regular bail in connection with Amarpur P.S. Case No. 109 of 2019, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 337 338, and 307 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation is regarding the accused persons including the petitioner herein and some unknown persons having surrounded the informant when he was engaged in loading of goods on his truck by a JCB, whereafter they had fired gunshots



on the informant, however, he escaped being hurt. It is also alleged that while he was fleeing away, the accused persons had started pelting stones, resulting in him sustaining grievous injuries.

The learned senior counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, is having a clean antecedent and he is languishing in custody since 20.01.2022. The learned senior counsel for the petitioner has further submitted that a general and omnibus allegation has been levelled and as far as the allegation of firing of gunshots is concerned, the same has not caused any fire arm injury upon the informant, although he is stated to have received some other injuries which are on his non-vital parts, one of them being grievous in nature, but the same cannot by any stretch of imagination be said to be attributable to the petitioner herein.

Per contra, the learned A.P.P. 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 senior counsel for the petitioner and taking into account the materials available on record as also considering the fact that though the accused persons are alleged to have fired gunshots but no gunshot injury has been sustained by the informant and the present case has been arisen out of case and counter case, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 109 of 2019.

(Mohit Kumar Shah, J)

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