

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24552 of 2023

Arising Out of PS. Case No.-707 Year-2022 Thana- PURNEA SADAR District- Purnia

BHAWESH KUMAR @ BHAWESH Son of Mahendra Yadav Resident of
Village - Kheruganj, P.S.- Sadar, District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nand Singh, Advocate

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 19-05-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Sadar P.S. Case no. 707 of 2022 registered under sections 307, 326 and 34 of the Indian Penal Code and section 27 of the Arms Act to which sections 25(1-B)(a), 26 and 35 of the Arms Act was added subsequently.

3. As per the prosecution case, the accused persons including this petitioner resorted to firing on the informant. The informant states that the firing resorted to by this petitioner, hit him in his hand.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The injury report does not support the prosecution case and as against allegation of firing by two persons, only one injury has been



sustained. The petitioner is in custody since 20.9.2022 and has no criminal antecedent.

5. Heard learned APP for the State.

6. Having heard learned counsel for the parties on perusal of the FIR it transpires that the allegation of firing on this petitioner is substantiated from the contents of the injury report which is Annexure-2 to the petition. In view of the facts of the case, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Liberty is granted to the petitioner to renew his prayer for bail after six months or after framing of charge, whichever is later.

(Partha Sarthy, J)

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