

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23107 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- SAHPUR District- Patna

SURAJ KUMAR Son of Krishna Murari Rai Resident of Village- Kamala
Gopalpur, Police Station- Maner, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Jha, Advocate Mr. Saurav Anand, Advocate Mr. Sumit Jha, Advocate
For the State	:	Mr. Raghaw Kumar, APP
For the Informant	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Amresh Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 11-01-2023 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 307, 323, 341, 379, 427 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, it is stated by the informant that the accused persons including the petitioner herein came armed with weapons and JCB machine and while resorting to indiscriminate firing also started demolishing the house of the informant. It is further stated that shot fired by the petitioner hit the upper portion of the eyes of the informant's brother leading to injury. The petitioner was caught at the place



of occurrence.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case for oblique reasons. The manner of occurrence is other than what has been narrated in the F.I.R. The allegations are falsified in view of the fact that no firearm injury has been found on the brother of the informant, contrary to the allegations in the F.I.R. The petitioner is in custody since 25.1.2022 and charge-sheet has been submitted in the case.

Application for bail is opposed by learned A.P.P for the State and learned Senior counsel appearing for the informant. It is submitted on behalf of the informant that not only the petitioner is named in the F.I.R but there is direct allegation against him and he was caught at the place of occurrence.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner, there being no injury report of the informant's brother to support the allegations leveled against the petitioner in the F.I.R together with the petitioner having remained in custody for more than 11 months since 25.1.2022 and charge-sheet having been submitted in the case, the petitioner is directed to be



enlarged on bail in connection with Sahpur P.S. Case no. 31 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate I, Danapur, Patna.

(Partha Sarthy, J)

avinash/-

U		T	
---	--	---	--

