

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22609 of 2023

Arising Out of PS. Case No.-624 Year-2022 Thana- CHANPATIA District- West Champaran

VISHAL KUMAR @ JATA KUMAR @ JATA Son of Binda Mahato R/V-
Karbola Tola, Ward no. 2, PS- Kumarbagh O.P Dist- West champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 02-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Chanpatiya
P.S. Case No. 624 of 2022 registered for the offence under Sections
341, 324, 307 and 337 of the Indian Penal Code and under Section 27
of the Arms Act.

3. The accused/petitioner is named in the F.I.R. and is in
custody since 15.09.2022.

4. The allegation against the petitioner is to cause firearm
injuries to informant, while attending *Orchestra party* on 13.11.2022
at about 12:30 A.M.

5. Learned counsel appearing on behalf of the petitioner
submitted that if the narration of F.I.R. be taken into consideration,
which is authored by injured himself, it is apparent that the firing was
not made with intention to cause death, which is prime consideration



to make out a case under Section 307 of the Indian Penal Code. It is submitted that informant/injured received injury out of accident, where firing appears celebratory firing on the occasion of *Orchestra* as surfaced during the course of investigation. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as alleged firing not appears to be made intentionally to cause death of informant/injured coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 15.09.2022, accordingly, above named petitioner is directed to be released on bail in connection with Chanpatiya P.S. Case No. 624 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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