

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24820 of 2023

Arising Out of PS. Case No.-761 Year-2022 Thana- BARHARA District- Bhojpur

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KRISHNA KUMAR S/O-GODHAN YADAV R/o-Baluaa, P.s.-Ara
(Muffasil), Distt.-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Mishra, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-07-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period

of four weeks from today.

3. The petitioner seeks bail in connection with

Barahra P.S. Case No. 761 of 2022 registered for the offence

under Section 307/34 of the Indian Penal Code and Sections

25(1-b)a/26/35/27 of the Arms Act.

4. The accused/petitioner is named in the F.I.R. and is

in custody since 05.11.2022.

5. The allegation against the petitioner is to open fire

upon the brother of informant who runs a shop, on 04.11.2022 at

about 6.30 PM near to the shop of informant alongwith other co-

accused persons, where brother of informant received gunshot



injuries. Petitioner alongwith other co-accused persons were apprehended on the spot after short chase by public and informant, while chasing so, police personnels also arrived on the spot.

6. Learned counsel appearing on behalf of the petitioner submitted that the petitioner falsely implicated with present case as the allegation of firing is apparently false on its face for the reason that not even a single empty cartridge was found on the place of occurrence as per seizure list. It is further pointed out that same also appears doubtful for the reason that as per FIR only pistol was alleged to be recovered from this petitioner, who apprehended on the spot, but as per seizure list pistol alongwith live cartridge were alleged to be recovered from this petitioner. It is submitted that seizure list further becomes doubtful for the reason that same is not supported by independent witnesses, rather by police personnels. While concluding the argument, it is submitted that petitioner found involved in three more criminal cases, where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, opposes the prayer of bail.



8. Considering the facts and circumstances as mentioned above and by taking note of contradiction as raised through seizure list, where allegation to cause firearms injuries not specific against this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 05.11.2022, accordingly, petitioner above named, is directed to be released on bail in connection with Barahra P.S. Case No. 761 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 learned Chief Judicial Magistrate, Bhojpur at Ara/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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