

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32659 of 2023

Arising Out of PS. Case No.-266 Year-2022 Thana- SAHPUR District- Patna

Abhimanyu Kumar @ Chhotu Kumar, S/o Dinanath Yadav, Resident of
Village- Shanti Nagar, P.S.- Shastri Nagar, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Ojha, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 03-07-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

The accused/petitioner seeks bail in connection
with Shahpur P.S. Case No.266 of 2022 registered for the
offences punishable under Sections 341, 307, 504 read with 34
of the Indian Penal Code and Sections 25(1-B)a, 26, 27 and 35
of the Arms Act.

The accused/petitioner named in the FIR and is in
custody since 21.12.2022.

The allegation against the petitioner is to open fire
upon brother of the informant along with other co-accused
persons causing bullet injuries, where occurrence is alleged to
be arises out of previous business dispute.

It is submitted by learned counsel that allegation of



firing is appearing general and omnibus against this petitioner, where implication appears false in background of previous enmity arises out of business dispute. It is submitted that no any injury as stated by injured received on his stomach found corroboration with injury report, which further gives strength of false implication. Learned counsel further submitted that from the place of occurrence, one country-made pistol was recovered, which may be a good evidence to connect the petitioner with alleged occurrence but, despite of all occasions, seized country-made pistol was not sent for forensic examination. While concluding argument, it is submitted that petitioner is a man of clean antecedent and moreover investigation of this case is completed for which charge-sheet has already submitted and, as such, there is no chance of tampering with evidence.

Learned APP while opposing the prayer for bail submitted that specific allegation of firing is available against this petitioner causing firearm injuries.

In view of above-mentioned facts and circumstances and by taking note of contradiction of injury report with the version of injured, as no firearm injury found on stomach as stated,, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since



21.12.2022, accordingly, the petitioner, above-named, is directed to be released on bail 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 Session Judge-1, Danapur, Patna in connection with Shahpur P.S. Case No.266 of 2022, subject to the conditions as laid down under Section 437(3) of the CrPC and with further conditions:-

(i) That accused/petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents;

(ii) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner; and

(iii) That one of the bailors shall be deponent of the present bail petition.



Physical presence of the Investigating Officer shall
be dispensed with.

(Chandra Shekhar Jha, J.)

Sanjeet/-

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

