

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34103 of 2023

Arising Out of PS. Case No.-489 Year-2022 Thana- BIDUPUR District- Vaishali

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KUNDAN KUMAR RAY @ KUNDAN KUMAR S/o- MUNESH RAY
Village- Khapura Ps- Bidupur Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 12-09-2023

1. Heard learned counsel for the parties.

2. The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Bidupur P.S. Case no. 489 of 2022 registered under sections 307, 341, 323, 324, 326, 379, 504, 506 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, it is stated by the informant that while he was returning on his tractor, he protested to the accused persons who included the petitioner herein of having obstructed the way of the tractor. It is further stated that on his protest the accused persons started to abuse him. Kundan Kumar the petitioner, fired from his pistol as a result of which he sustained firearm injury on his right leg.

4. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the case. From the contents of the FIR itself it would transpire that the dispute as narrated therein is purely civil in nature. While the occurrence is said to have taken place on 6.9.2022 the FIR was registered after much delay on 8.9.2022 without any reasonable explanation for the same. The manner of occurrence and the cause of injury to the informant is other than what has been narrated in the FIR. Even in the impugned order there is no mention of the place or nature of injury. The petitioner has no criminal antecedent.

5. Heard learned counsel for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation in the FIR wherein the petitioner is said to have fired from his pistol causing firearm injury on the right leg of the informant together with the contents of the order of the learned Court below rejecting the bail of the petitioner from which it transpires that the allegation of firearm injury has been supported by the injury report as mentioned in paragraph no. 31 of the case diary, the Court is not inclined to enlarge the petitioner on anticipatory bail and the application is rejected.

7. The petitioner is directed to surrender in the learned



Court below within a period of four weeks.

(Partha Sarthy, J)

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