

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36549 of 2023

Arising Out of PS. Case No.-169 Year-2022 Thana- TEKARI District- Gaya

Chhotu Kumar S/O Rampravesh Paswan R/O Village- Malsari, Laxmipur,
P.S- Chakand, Distt.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Ratan Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-07-2023 Heard Mr. Dr. Ratan Kumar, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

2. The petitioner apprehends his arrest in connection
with Tekari P.S. Case No. 169 of 2022 registered for the offence
punishable under Sections 147, 148, 149, 341, 323 and 307 of
the Indian Penal Code and Section 27 of the Arms Act.

3. It is alleged that while the informant was going on
his motorcycle, in the meantime, all the FIR named accused
persons including the petitioner surrounded him. Co-accused
'Virendra Yadav' fired upon the informant due to which he
sustained a bullet injury over his left shoulder and he fell down.
It is further alleged that 'Gautam Kumar', 'Nagendra Paswan'
and this petitioner also made open firing while fleeing from the



place of occurrence.

4. Learned counsel appearing on behalf of the petitioner submits that the name of the petitioner has been implicated in this case only on account of the fact that he used to visit the house of the maternal grandfather, where the informant also resides nearby, having some grudge. He next submits that even as per the narration made in the FIR admittedly the petitioner has not made any overt act causing any injury to the informant rather only in order to make the case serious, it has been shown that this petitioner has also made open firing along with others. That apart, the petitioner is a man of fair antecedent and he undertakes that he will fully co-operate in the investigation/trial and will not indulge in such kind of crime in future.

5. On the other hand, learned APP for the State vehemently opposes the pre-arrest bail application.

6. Having regard to the submissions made on behalf of the parties and considering the nature of allegation and the fact that the petitioner is not the person who made any overt act causing any injury to the informant, coupled with his fair antecedent, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court



below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – VI, Gaya in connection with Tekari P.S. Case No. 169 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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