

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42993 of 2023

Arising Out of PS. Case No.-112 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Rajnish Kumar @ Rajneesh Kumar @ Rajnish Singh Son of Ram Kathin
Singh Resident of village - ward no. 2, Ramdiri Nakti Tola, P.S. - Matihani,
Distt. - Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Jha, Advocate

For the Opposite Party/s : Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-07-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

2. The present case has been heard out of turn as wife
of petitioner is pregnant and excepting her delivery in this
month.

3. Let the defect(s), if any, be removed within a period
of four weeks from today.

4. The petitioner seek bail in connection with Muffasil
P.S. Case No. 112 of 2021 registered for the offence under
Sections 324, 307, 387, 447, 506 and 34 of the Indian Penal
Code and under Section 27 of the Arms Act.

5. The accused/petitioner is not named in the F.I.R.
and is in custody since 28.02.2023.



6. The allegation against the petitioner is causing fire arm injury upon son of the informant, having intention to cause death, along with other co-accused persons for previous enmities.

7. Learned counsel appearing on behalf of the petitioner submitted that informant is not the eye witness of the occurrence. It is further submitted that statement of injured obtained after two months and, as such, false implication cannot be ruled out. It is submitted that if the version of informant is taken into consideration then, at least five fire arm injuries must be found upon but only single fire arm injury was found, creating a doubt over entire allegation. It is also submitted that due to previous admitted enmities, as it appears from the statement of injured itself, the present false implication was made. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

8. Learned APP, while opposing the prayer of bail, fairly conceded that informant is not the eye witness of the occurrence.

9. Considering the facts and circumstances as



mentioned above, by importing contradiction from statement of injured, *qua*, injury report coupled with the fact that charge-sheet has been submitted, where petitioner is in custody since 28.02.2023, accordingly, above named petitioner is directed to be released on bail in connection with Muffasil P.S. Case No. 112 of 2021 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, Begusarai/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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