

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43356 of 2022

Arising Out of PS. Case No.-161 Year-2021 Thana- DANAPUR District- Patna

Md. Arshaduddin @ Arshad Hussain S/O Late Shamim @ Shamim Ahmad
Resident of Saguna Chhoti Haweli, P.O and P.S.- Danapur, District- Patna, Pin
801503

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner	:	Mr. Pushpendra Priyedarshi, Advocate
For the Informant	:	Mr. Rohit Kumar Sharma, Advocate
For the Opposite Party	:	Ms. Veena Rani Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 13-03-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner, learned counsel for the informant and the learned APP for the State.

Petitioner seeks regular bail in connection with Danapur P.S. Case No. 161 of 2021 registered for the offences punishable under Sections 326, 307 and 34 of the Indian Penal Code and 27 of Arms Act.

As per the prosecution, the informant alleged that this petitioner caused fire-arm injury at the informant's right shoulder and other accused persons also fired at informant over some verbal altercation.

The main submissions advanced by learned counsel for petitioner are that in between both the parties there is a case and counter case and in the present time the disputes in between them have settled down and in actual a free fight took place in between both the parties and the petitioner himself sustained serious head injury and regarding this petitioner has filed his photographs concerned to his head injuries alongwith this Cr. Misc. petition and the allegation of causing fire arm injury made in the FIR has been falsified by the injury report of the informant in which the injury of the informant has been opined to be caused by hard and blunt object and after the alleged occurrence the petitioner was again badly assaulted by the prosecution's party, regarding which Danapur P.S. Case No. 154 of 2021 was lodged against the relatives of the informant of the present matter. Further submission is that though against the petitioner there are criminal antecedents of four cases in which he is on bail and he has been languishing in jail since 02.06.2022.

Learned counsel for the informant and learned APP for the State have vehemently opposed the bail prayer.

In view of the facts, as stated above and mainly considering the facts that as per the above submissions the

petitioner himself is stated to be an injured and the medical opinion given in the injury report of the informant goes against the allegation of causing fire arm injury by this petitioner, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Danapur P.S. Case No. 161 of 2021.

(Shailendra Singh, J)

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