

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49366 of 2023

Arising Out of PS. Case No.-315 Year-2020 Thana- PARBATTa District- Khagaria

Mohan Singh S/O Upendra Singh @ O.P. Singh R/O Village- Madhavpur, Ps.
Parbatta, Dist. Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar, Advocate
For the Opposite Party/s : Mr.Naveen Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with
Parbatta P.S. Case No.315 of 2020 registered for the offence
under Sections 447, 504, 506, 307 and 34 of the Indian Penal
Code and Section 27 of the Arms Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 13.04.2023.

4. The allegation against the petitioner is to open fire
upon informant and others, where during the course of
occurrence firing as alleged to be caused by this petitioner hit on
the waist of one Chhotu Kumar, whereas firing as alleged to be
caused by one Niwas Singh, hit the neck of injured Raja Kumar,
where occurrences arises out of land disputes.



5. Learned counsel appearing on behalf of the petitioner submitted that specific allegation as to cause firearm injury on the vital part of body is against co-accused Niwas Singh, who has already granted bail by one of the learned Coordinate Bench of this court through Cr. Misc. No. 69609 of 2021 vide order dated 11.05.2022, whereas allegation to cause firearm injury on the waist of one Chhotu Kumar, which appears non-vital part is against this petitioner with no further allegation of firing, without having any intervening circumstances, negating intention to cause death of injured, which is prime consideration to make out a case under Section 307 of the Indian Penal Code, irrespective the nature of weapon and injuries. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above and by taking note of the fact as firearm injury appears on non-vital part, coupled with the fact that charge-



sheet has already submitted, where petitioner is in custody since 13.04.2023, accordingly, petitioner, above named, is directed to be released on bail in connection with Parbatta P.S. Case No.315 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Khagaria/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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