

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61815 of 2023

Arising Out of PS. Case No.-340 Year-2022 Thana- KUMAR KHAND District- Madhepura

1. Raja Kumar S/O Ashish Kumar R/O Village- Rahta, Ps. Kumarkhand, Dist. Madhepura
2. Keshav Kumar S/O Kumar Suresh R/O Village- Rahta, Ps. Kumarkhand, Dist. Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha, Mr. Ashok Kumar, Adv.
For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 02-12-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for bail in a case instituted for the offence under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per allegation in the FIR, while the informant was going to visit fair on the occasion of Durga Puja and reached near Rahta Chowk, both the petitioners surrounded him and started to hurl abuses. Further, petitioner no. 2 handed over a loaded country made pistol to petitioner no. 1 to make fire upon the informant. With intention to kill the informant, petitioner no. 1 opened fire and the bullet went ahead, piercing his ear as a



result of which informant fell down on the ground. On sound of bullet, local persons gathered there then both the accused persons fled away.

It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case. They have committed no offence. There was old and admitted enmity between the parties. Allegedly two persons are at the place of occurrence but the FIR has been lodged against six accused persons. Petitioners are languishing in judicial custody since 18.3.2023.

The application for bail is opposed by learned APP for the State and submitted that petitioner no. 2 is innocent he has not opened fire upon the informant.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner no. **2, namely, Keshav Kumar** on bail. The Petitioner no. 2 is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned ACJM II, Madhepura in connection with Kumarkhand P.S. Case No. 340 of 2022.

So far as petitioner no. 1 is concerned, there is



specific allegation of opening fire against him and bullet went ahead after piercing his ear. He has made an attempt to kill the informant. In such circumstances, this court is not inclined to grant bail to petitioner no. 1, namely, Raja Kumar, and in such situation, his prayer for bail stands rejected.

The trial court is directed to expedite and conclude the trial.

(Sunil Kumar Panwar, J)

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