

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60838 of 2022

Arising Out of PS. Case No.-215 Year-2022 Thana- JAGDISHPUR District- Bhojpur

Mukesh Kumar S/O Late Deolal Ram Resident of village- Nayaka Tola,
Jagdishpur, P.S.- Jagdishpur in the District of Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 20-03-2023 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
Jagdishpur P.S. Case No. 215 of 2022 registered for the offences
punishable under Sections 354, 307 and 34 of the Indian Penal
Code and Section 27 of Arms Act.

As per the prosecution, the informant (victim) alleged that
this petitioner harassed her by pulling her *dupatta* and thereafter
this petitioner shot the informant (victim) at her back.

The main submissions advanced by learned counsel for
petitioner are that as per the FIR the alleged occurrence took
place on 11.05.2022 and the alleged place of occurrence is seven
kilometers away from the nearest Police Station but after the
commission of the alleged occurrence no information of the

incident was given to the Police Station concerned and the victim's fardbayan was recorded next day, infact in the petitioner's village there was a marriage ceremony in which celebratory firing was made and in that firing the victim sustained fire-arm injury. Further submission is that the petitioner has been languishing in jail since 10.06.2022 having fair and clean antecedent, though apart from the present case there is another PS case against the petitioner but the same was lodged after institution of the FIR of the present matter.

Learned counsel for informant has vehemently opposed the bail prayer and submitted that the petitioner intentionally fired at the victim and the Jagdishpur PS case no. 216 of 2022 which was subsequently lodged against the petitioner relates to the recovery of fire-arms and motorcycle used in the present case by the petitioner. Further submission is that after institution of the present matter the victim as well as her family members are being threatened by the accused.

Heard both the sides and perused the FIR. As per the allegation this petitioner not only harassed the informant but also fired at her and in that firing the informant sustained fire-arm injury on her back and the doctor concerned who issued the victim's injury report found gunshot injury on the back of the

informant and the same was found to be grievous in nature as per the order impugned. Considering the seriousness of the allegation, in my opinion, it is not a fit case for bail to the petitioner. Accordingly, his bail prayer stands rejected.

(Shailendra Singh, J)

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