

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64331 of 2023

Arising Out of PS. Case No.-249 Year-2023 Thana- DAUDNAGAR District- Aurangabad

Ramkrishna Kumar @ Nanhaku Pandey S/O Satyanarayan Pandey R/O
Village- Shamsheer Nagar, P.S- Daudnagar, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P.N. Shahi, Sr. Advocate Mr. Deeksha Singh, Advocate Mr. Shivam, Advocate Mr. Amit Anand, Advocate
For the State	:	Mr. Harendra Prasad, APP
For the Informant	:	Ms. Roona, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 19-10-2023 Supplementary affidavit filed by learned counsel for the petitioner has been taken on record.

2. Heard learned Senior counsel for the petitioner; Mr. Harendra Prasad, learned APP for the State and learned counsel for the informant.

3. The petitioner seeks bail in connection with Daudnagar P.S. Case No. 249 of 2023 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 325, 326, 307, 302 of the Indian Penal Code and Section 27 of the Arms Act.

4. As per allegation in the F.I.R, the petitioner along with other co-accused persons are alleged to have assaulted and



opened fire upon the informant as well as his son due to which both of them sustained gunshot injuries. Thereafter, they were brought to hospital where the doctor declared the son of the informant as dead. The alleged occurrence is said to have occurred due to earlier land dispute between the parties.

5. It has been submitted by learned Senior counsel for the petitioner that occurrence has taken place due to the fact that the prosecution side was the aggressor and the parties fought over the land in question when the accused side was filling the land. It was protested by the prosecution and thereafter, the occurrence has taken place. It has further been submitted that the petitioner was assaulted by the prosecution side and has sustained fracture of frontal bone and nasal bone on the left side. It has further been submitted that there is a counter case filed by the prosecution side. It has further been submitted that the injury of the petitioner has not been explained in the F.I.R or during investigation by the prosecution side i.e. the prosecution has suppressed the manner of occurrence.

6. Learned APP for the State assisted by learned counsel for the informant has submitted that it is the accused side who were aggressor and firing was made by Hare Krishan



Kumar @ Dhibari and the petitioner in which the deceased sustained three gun shoot injuries. She also submits that considering the aforesaid fact that the bail application of the co-accused Hare Krishan Kumar @ Dhibari has been rejected in this Court.

7. I have considered the submissions of the parties and also perused the materials available on record. The occurrence has taken place because of land dispute between the parties which is admitted from reading of the F.I.R. No doubt one person has been killed but the prosecution has not whispered anywhere about how the petitioner sustained such injury. It appears that the true facts have not been brought on record by the prosecution side. The petitioner is in custody since 29.04.2023.

8. Considering the injuries sustained by the petitioner and the period of custody, I am inclined to grant bail to the petitioner.

9. Let the petitioner, above named, be released on bail, **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-3, Aurangabad/ concerned Court in connection with



Daudnagar P.S. Case No. 249 of 2023, subject to the condition
that the petitioner will co-operate in the proceeding of the
Court below.

(Sandeep Kumar, J)

P. Kumar

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