

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66069 of 2023

Arising Out of PS. Case No.-184 Year-2021 Thana- CHACKMEHSI District- Samastipur

1. Babloo Kumar, Son of Ravindra Das, Resident of Village- Sahuri, P.S- Chakmehsi, Distt- Samastipur
2. Ravindra Das, Son of Late Narayan Das, Resident of Village- Sahuri, P.S- Chakmehsi, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-12-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Chakmehsi P.S. Case No. 184 of 2021 registered for the alleged offences under Sections 341, 447, 323, 307, 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the petitioners entered into the house of the informant and while abusing her father, the petitioner Ravindra Das fired upon her from his pistol. The shot scratched her left eye and eye sight of right eye was damaged. When the parents of the informant tried to catch hold of the



petitioners, the petitioner Babloo Kumar fired upon the father of the informant, but the shot missed him. The informant was taken to the hospital, but she lost eye sight of her right eye.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. For an occurrence of 04.12.2021, the FIR has been registered on 12.12.2021 and it is not believable that the informant or her family members were not in a position to register the FIR. It is also not believable that shot hit the left eye, but the informant lost eye sight of her right eye. The learned counsel further submits that the petitioner no.2 was a candidate of Mukhiya in last Panchayat election and the father of the informant was supporting the other candidate and due to this enmity, the petitioners have been falsely implicated in this case. The learned counsel further submits that the independent witnesses have not supported the prosecution case and they have rather stated about the injuries being caused by the brother of the informant and, thus, the petitioners have been falsely implicated after much deliberation and afterthought. The petitioners are having clean antecedents.

5. Learned APP opposes the submission made on behalf of the petitioners. The learned APP submits that a number



of witnesses have supported the prosecution case and the injury was also observed on the informant caused by firearms. However, learned APP concedes that the witnesses in paragraphs 121, 122 and 123 have not supported the prosecution case rather they have stated about the petitioners being falsely implicated in this case and the occurrence being the hands work of brother of the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the divergent view of the occurrence and further considering the possibility of false implication, let the petitioners, above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Samastipur, in connection with Chakmehsi P.S. Case No. 184 of 2021, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each



and every date fixed by the court below, if so
required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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