

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70922 of 2022

Arising Out of PS. Case No.-38 Year-2022 Thana- BALIYA District- Begusarai

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RUPESH KUMAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

.. .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sarvan Kumar

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 17-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 147, 148, 149, 341, 323, 352, 307, 504, 506 of the Indian Penal Code and 27 of the Arms Act.

As per prosecution case, informant alleged that on 02.02.2022, while he was returning home six persons along with this petitioner surrounded him and upon the order of co-accused, namely, Surendra Singh petitioner assaulted and fired on him, which hit on his left elbow. It was further alleged that before this occurrence, when he was constructing his toilet room, the petitioner and the accused persons opposed the said construction work and threatened him of dire



consequences.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. There is a land dispute between the both parties due to which, he has falsely been implicated in this case. There is a general allegation of firing against the petitioner and as per injury report annexed with case diary para-7, in which doctor opined that injury received by the informant is simple in nature. Similarly situated, co-accused namely, Murari Kumar has already been granted bail by a coordinate Bench of this Court vide order dated 16.12.2022 passed in Cr. Misc. No. 54174. He has got no criminal antecedent. It is further submitted that the petitioner is languishing in judicial custody since 30.06.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Ballia P.S. Case No. 38 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of learned Chief Judicial
Magistrate, Begusarai.

(Sunil Kumar Panwar, J)

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