

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67827 of 2022

Arising Out of PS. Case No.-17 Year-2022 Thana- CHAUTHAM District- Khagaria

RAVI MEHTA @ RAVI MAHTO S/o Late Rampukar Mahto R/v- Thuthi,
P.S.- Chautham, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-02-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Chautham P.S. Case No.17 of 2022, registered for the offences punishable under Sections 341, 323, 447, 385, 307, 504/34 of the Indian Penal Code and Section 27 of the Arms Act and Section 37(c) of the Bihar Prohibition and Excise Act, 2018.

The case of the prosecution, in brief, is that on 17.01.2022, at about 5 pm, in the evening, while the informant was sitting at the door of his house, the petitioner and two other co-accused



persons holding pistol in their hand and totally drunk had arrived there, whereafter they had demanded extortion money, however, whereafter they had refused to pay any extortion money, they had also abused and pushed the informant, nonetheless, the informant had also pushed them and told them to go away from his house, whereupon the co-villagers had also arrived there, but in the meantime, the petitioner had fired from his pistol, but the informant had ducked by sitting down, in order to save himself resulting in the bullet passing by him, scraping the skin of his head. It is also alleged that since the villager had arrived, two of the accused persons including the petitioner had fled away, but one of the co-accused persons, namely, Sanjay Sada was apprehended by the villagers.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 20.05.2022. The learned counsel for the petitioner has further



submitted that only because the petitioner is an accused in 14 other criminal cases, he has been falsely implicated in the present case. It is also submitted by referring to the injury report/supplementary injury report annexed to the present petition that there is simple abrasion on the back side of the head and no serious injury has been caused, hence, the petitioner is not having any complicity in the matter.

Per contra, the learned APP for the State has submitted by referring to the injury report/supplementary injury report annexed to the present petition that wound has been found on the back side of the head and there is 1"x1/2" skin cut, and moreover, gun powder mark has also been found on the back side of the head, as such the informant has been more than lucky to be alive today, inasmuch as the bullet could have hit on the head of the informant causing his instantaneous death, thus, the intention of the petitioner was to kill the informant.

Having regard to the facts and



circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court finds that the complicity of the petitioner in the alleged occurrence is writ large from the records and apparently, the informant has sustained scraping abrasion/wound on the skin at the back side of his head, which is apparently a firearm injury, as per the supplementary injury report and the informant was lucky that on account of him having ducked, the bullet had scraped past, touching his skin on the back of his head, apart from the fact that the petitioner appears to be a veteran criminal, being an accused in 14 other criminal cases, thus, I am not inclined to grant bail to the petitioner, hence, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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