

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71731 of 2023

Arising Out of PS. Case No.-353 Year-2023 Thana- HILSA District- Nalanda

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Bablu Gope @ Bablu Yadav (Male) aged about- 50 years, son of Om Prakash @ Om Prakash Prasad, resident of Village- Barkhandha, P.S- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 08-11-2023 Heard Mr. Umesh Kumar Singh, learned counsel appearing on behalf of the petitioner and Mr. Shahabuddin Azeem @ S. Azeem, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Hilsa P.S. Case No. 353 of 2023 registered for the offence punishable under Sections 341, 323, 324, 307, 504 , 337/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the allegation made in the FIR, petitioner along with six other accused persons had assaulted the family member of the informant.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. The informant side had



assaulted the petitioner side and FIR was also lodged on 03.08.2023 being Hilsa P.S. Case No. 495 of 2023 and the present case is counter blast of the said case. He further submitted that allegation against the petitioner is that he had fired upon the informant, as a result of which, the informant had sustained fire-arm injury in his left palm, which is not on the vital part of the body. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties, as well as, the nature of allegation made in the FIR and also considering that the petitioner had fired upon the informant, who had sustained fire-arm injury in his left palm. There is case and counter case between the parties and in paragraph no. 9, the petitioner has been able to bring on record the criminal history of the informant, who is involved in eight cases. From the record it appears that there is enmity between both the parties. Petitioner has clean antecedent. Learned District Court is directed to call for the injury report of the informant and verify as to whether injury is simple in nature.

7. If the injury of the informant is found to be simple



in nature then in that case, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Hilsa (Nalanda), in connection with Hilsa P.S. Case No. 353 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

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