

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68928 of 2022

Arising Out of PS. Case No.-174 Year-2021 Thana- NAUBATPUR District- Patna

SUBHAM KUMAR Son of Raj Kumar Yadav @ Raj Kumar Ray R/o
Mohalla- Karai, P.S.- Naubatpur, District- Patna, Permanent Residence of
Mohalla Rampur, Garikhana, P.S.- Khagaul, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh, Adv.

For the Opposite Party/s : Mr. Zainul Abedin, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 07-04-2023 Let the defects, if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Session Trial No. 885/2022 arising out of Naubatpur P.S. Case No. 174 of 2021 dated 22.03.2021 registered for the offences punishable under Sections 341, 323, 307, 448 and 504/34 of the Indian Penal Code and Section 27 of Arms Act.

As per the prosecution, the informant alleged that this petitioner along with other named co-accused persons carrying



firearms entered into his house and started assaulting him and later on petitioner Subham Kumar started firing in which his nephew sustained firearm injury and one co-accused person namely Prem Kumar was caught by the villagers.

The main submissions advanced by petitioner's counsel are that as per the allegation made in the FIR, the victim sustained firearm injury on the back side of his body, thigh and head but as per the medical report, no head injury or any injury was found by the department of Radiology, P.M.C.H., Patna and the copy of the said medical report has been filed as Annexure-2 with this petition and the same is also available in the case diary and the victim's other name is Prakash Kumar but in the FIR he has been shown as Akash Kumar and both the said names are of the same victim and the same gets corroborated from the para 19 of the case diary and no occurrence as alleged took place and the petitioner has been chargesheeted and in the present time he is facing trial and he has been languishing in jail since 11.03.2022.

Learned APP appearing for the State has opposed the bail prayer.

Having considered the above-mentioned submissions made by petitioner's counsel and mainly the facts that the



prosecution only produced the injury report of the victim namely Prakash Kumar, who has been shown as Akash Kumar in the FIR, who did not sustain any fracture injury and the said report also does not show any firearm injury to him and in the present time, the petitioner is facing trial and he has been languishing in jail since 11.03.2022, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Session Trial No. 885/2022 arising out of Naubatpur P.S. Case No. 174 of 2021.

(Shailendra Singh, J)

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