

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72027 of 2022

Arising Out of PS. Case No.-328 Year-2020 Thana- VAISHALI District- Vaishali

Rambabu Kumar @ Ranjeet Kumar S/O Ram Awatar Bhagat R/O Village-
Bhagwanpur Ratti, Tola Rampur Rudra, P.S- Vaishali, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shyameshwar Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Shahabuddin Azeem @ S. Azeem, APP
For the informant	:	Mr. Shashi Bhushan, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 19-06-2023 Heard learned counsel appearing on behalf of the

petitioner, learned counsel appearing on behalf of the informant

and learned counsel appearing on behalf of the State.

The petitioner seeks bail in connection with Vaishali
P.S. Case No. 328 of 2020 registered for the offence under
Sections 147, 148, 149, 341, 323, 324, 427, 504, 506 and 307 of
the Indian Penal Code (in short 'I.P.C.') and under Section 27 of
the Arms Act. Later section 302 of the I.P.C. was added.

The accused/petitioner is named in the F.I.R. and is in
custody since 04.11.2022.

The allegation against the petitioner is to open fire
causing firearm injuries alongwith other co-accused persons,
where during the course of occurrence the brother of informant



received fatal injuries. Occurrence is alleged to be founded upon previous enmities arises out of land dispute.

Learned counsel appearing on behalf of the petitioner submitted that the allegation to cause fatal firearm injuries is available against co-accused Manish Kumar @ Chintu causing death of brother of informant, namely, Shardanand Bhagat. It is submitted that only to aggravate the allegation and to implicate whole family, informant raised the allegation of firing against this petitioner, which is appearing false on its face in view of injury report as mentioned in paragraph no. 39 of the case diary. It is pointed out that the injury report of injured/informant, namely, Sunil Kumar only one lacerated wound, having no skin cherry caused by hard and blunt object was found which negate, *prima facie*, the allegation of firing. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by the learned counsel Mr. Shashi Bhusan appearing on behalf of the informant, while opposing the prayer of bail submitted that the allegation to open fire is available against this petitioner.



Considering the facts and circumstances as mentioned above, as injury report of injured/informant creates, *prima facie*, doubt, *qua*, allegation to cause firearm injury, coupled with the fact that petitioner is in custody since 04.11.2022, where charge-sheet has already been submitted, accordingly, the petitioner, above named, is directed to be released on bail in connection with Vaishali P.S. Case No. 328 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:

“(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the



conclusion of trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J.)

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