

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74399 of 2022

Arising Out of PS. Case No.-122 Year-2021 Thana- MATIHANI District- Begusarai

SANTOSH KUMAR Son of Sri Pashupati Nath Singh R/o Village and P.S.-
Matihani, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shri Prakash Tiwari, Advocate
For the Informant/s	:	Mr. Shubhesh Pandey, Advocate
For the Opposite Party/s	:	Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 01-02-2023 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Mr. Shri Prakash Tiwari, learned counsel appearing for the appellant, Mr. Shubhesh Pandey, learned counsel appearing for the Informant and Mr. Gauri Shankar Gupta, learned APP appearing for the State are present and they are heard.

Petitioner seeks regular bail in connection with Matihani P.S. Case No. 122 of 2021 registered for the offences punishable under Sections 307, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

The instant petition has been filed by the petitioner



Santosh Kumar for the relief of bail in connection with Matihani P.S. Case No.122 of 2021 and his earlier prayer for bail has been rejected by this Bench vide order passed in Cr. Misc. No.20295 of 2022 preferred by him and in the instant miscellaneous petition he has approached this Court for the second time for the relief of bail.

The substance of the main allegation is that on the alleged date and time of occurrence, petitioner demanded wine from the informant and when the informant denied to fulfill his demand then other co-accused person arrived there and at the direction of this petitioner he opened firearm as a result of which informant sustained firearm injury at his feet, then one Ranjeet Prasad Singh intervened to save the informant then petitioner took out a pistol and fired at him which caused injury at his hand and in the meantime, villagers gathered there and caught the accused persons including the petitioner.

It is submitted by learned counsel for the petitioner that co-accused Santosh Kumar son of Tuntun Singh against whom there is specific allegation of indiscriminate firing upon the informant which caused three bullet injuries on the leg of the informant has been granted bail by the co-ordinate Bench of this Court vide order passed in Cr. Misc. No.30816 of 2022 and the



petitioner has been languishing in jail since 06.10.2021 and petitioner's case stands on better footing from the co-accused Santosh Kumar son of Tuntun Singh and the investigation against him is completed and the person who is said to have been sustained fire-arm injury on account of the alleged firing by this petitioner has sustained simple injury as per the medical opinion.

Learned APP appearing for the State has vehemently opposed the bail prayer and submitted that against the petitioner there is a serious allegation and he does not deserve to the privilege of bail.

Considering the nature of allegation against the petitioner from the FIR which shows that the petitioner not only instigated the co-accused to cause fire-arm injury to the informant but also he himself opened fire-arm at one person namely Ranjeet Prasad Singh who intervened to save the informant during the alleged occurrence and the allegation of firing gets support from the injury report of the said injured person, in the opinion of this Court the petitioner does not deserve to the privilege of bail as his case appears to be serious than the co-accused who is on bail. Accordingly, his prayer stands rejected.



The petitioner is given a liberty to renew his bail prayer after six months, if any significant progress is not made in his trial by the prosecution.

(Shailendra Singh, J)

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