

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8870 of 2024

Arising Out of PS. Case No.-330 Year-2022 Thana- KHUSRUPUR District- Patna

Jay Prakash @ Jay Prakash Kumr S/O Late Nade Singh @ Nand Singh
Village- Lodipur Mansurpur, Khusrupur, Ps. Khusrupur, Dist. Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bishwa Bijay Kumar, Adv.

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

6 13-11-2024 Heard Learned Counsel for the petitioner and Learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Khusrupur P.S. Case No. 330 of 2022 dated 27.08.2022, lodged under Sections 302 and 34 of the Indian Penal Code read with section 27 of the Arms Act.

3. As per the prosecution, FIR has been lodged against 20 named accused persons including the present petitioner. In the FIR, it is specifically alleged that the petitioner has fired on the left cheek of the informant's cousin brother namely Sudhir Kumar due to which he sustained injury.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that it is true that it is a case lodged under sections



302 and 34 of the I.P.C read with section 27 of the Arms Act. Counsel submits that the specific allegation made in the FIR against the present petitioner is that he has fired on the left cheek of the informant's cousin brother namely Sudhir Kumar due to which he was badly injured. Counsel further submits that during investigation, a clear cut finding has come by which it become clear that the injury to Sudhir Kumar has not been caused by the petitioner as the statement of Sudhir Kumar under section 161 of the Cr.P.C. mentioned in paragraph no.84 that it is one Ranjan Kumar who has fired on him due to which he became injured. Counsel submits that in the light of the statement of alleged injured Sudhir Kumar, the statement of the informant made in the *fardbayan* falsify the allegation made against the present petitioner.

5. Learned Counsel for the petitioner further submits that there is no injury of said Sudhir Kumar and in this regard, statement of Sudhir Kumar is very much clear in which he has narrated that he got himself treated under local doctor namely Naval Ji and he has no injury report. Counsel further submits that the criminal antecedent of the petitioner is clean and his name has been inserted in this case only due to jealousy.

6. Learned APP for the State opposes the prayer for



bail of the petitioner and submits that from bare perusal of the statement of said Sudhir Kumar who received injury particularly in paragraph no.84, it transpires that it is not the petitioner who has injured him, rather, he was injured from one Ranjan Kumar. Counsel further submits that as per the statement made in paragraph no.84, there is no injury report of the said Sudhir Kumar.

7. As such, considering the aforesaid facts and circumstances, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate 1st Class, Patna City, Patna in connection with Khusrupur P.S. Case No. 330 of 2022, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dr. Anshuman, J)

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