

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1069 of 2024**

Arising Out of PS. Case No.-155 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

Akchay Ram @ Aman Ram Son of late Munna Ram resident of Village-
Mosimpur, Police Station- Sadar, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 14760 of 2024

Arising Out of PS. Case No.-155 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

Md. Shabbu @ Md. Sabbu Son of Late Md. Javed Resident of Village-
Nimchak Naka No. 5, Senapath, Mukti Mohalla, Purani Musafi, P.S.- Sadar,
District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 1069 of 2024)

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

(In CRIMINAL MISCELLANEOUS No. 14760 of 2024)

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

5 26-04-2024

CRIMINAL MISCELLANEOUS No.1069 of 2024

Heard learned counsel appearing on behalf of
the petitioner and learned Additional Public Prosecutor
appearing on behalf of the State.

2. The accused/petitioner is named in the F.I.R.



and apprehending his arrest in connection with Darbhanga Sadar P.S. Case No.155 of 2023 registered for the offences punishable under Sections 341, 307, 506, 34 and 120 B of the Indian Penal Code and Section 27 of the Arms Act.

3. The allegation against the petitioner is to open fire alongwith other co-accused persons upon son of informant causing bullet injuries upon his chest, where occurrence alleged to be arises out of previous pending land disputes.

4. Learned counsel appearing on behalf of the petitioner submitted that informant is not the eye-witness of the occurrence and was named out of suspicion due to pending land disputes. It is pointed out that by retracting the version as narrated through the FIR informant filed a petition before learned CJM Darbhanga, stating thereof that he named petitioner and other co-accused persons out of suspicion and said compromise petition appears to be duly signed by his



son/injured. While concluding the argument it is submitted that petitioner found involved in two more criminal cases, where he is on bail.

5. Learned APP appearing on behalf of the State, while opposing the prayer for bail submitted that the alleged offence is not compoundable in nature therefore any retracted version leading to compromise is of no legal value. It is submitted that injured during course of investigation namely Pankaj Kumar Yadav, specifically stated that petitioner open fire upon him with intention to cause death, where he received bullet injuries on the vital part of his body i.e., chest.

6. In view of aforesaid facts and circumstances as mentioned above and by taking note of the fact as specific allegation against petitioner as to open fire upon son of the informant causing bullet injury on the vital part of the body i.e., chest is available as per statement of injured, accordingly, prayer of bail is rejected herewith.



CRIMINAL MISCELLANEOUS No. 14760 of 2024

Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioner is named in the F.I.R. and apprehending his arrest in connection with Darbhanga Sadar P.S. Case No.155 of 2023 registered for the offences punishable under Sections 341, 307, 506, 34 and 120 B of the Indian Penal Code and Section 27 of the Arms Act.

3. The allegation against the petitioner is to open fire alongwith other co-accused persons upon son of informant causing bullet injuries upon his chest, where occurrence alleged to be arises out of previous pending land disputes.

4. Learned counsel appearing on behalf of the petitioner submitted that informant is not the eye-witness of the occurrence and was named out of



suspicion due to pending land disputes. It is pointed out that by retracting the version as narrated through the FIR, informant filed a petition before learned CJM Darbhanga, stating thereof that he named petitioner and other co-accused persons out of suspicion and said compromise petition appears to be duly signed by his son/injured. It is pointed out by learned counsel that as per FIR, allegation of firing is available against Akchay Ram @ Aman Ram, whereas this petitioner left the place of occurrence. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

5. Learned APP appearing on behalf of the State, while opposing the prayer for bail submitted that the offence alleged is not compoundable in nature therefore any retracted version leading to compromise is of no legal value. It is submitted that injured during course of investigation namely Pankaj Kumar Yadav, specifically stated that petitioner open fire upon him with intention to cause death, where he receive bullet injuries



on vital part of his body i.e., chest.

6. In view of aforesaid facts and circumstances as mentioned above and by taking note of the fact as specific allegation against petitioner as to open fire upon son of informant causing bullet injury on the vital part of the body i.e., chest is available as per statement of injured, accordingly, prayer of bail is rejected herewith.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

U		T	
---	--	---	--

