

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33196 of 2024

Arising Out of PS. Case No.-420 Year-2021 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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Raghu Thakur, Son of Late Dhyani Thakur, Resident of Village- Parsahi, P.S.-
Kumarkhand, District- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mantu Kumar, Son of Shravan Thakur, Resident of Village- Parsahi, P.S.-
Kumarkhand (O.P. Bhatni), Dist.- Madhepura

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mrs. Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 16-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending
his arrest in connection with Complaint Case No. 420 of 2021
registered for the alleged offences under Section 326 of the
Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, petitioner and other co-
accused persons were seen running away from the house of the
informant when the informant woke up from his sleep finding
that he has been shot at in his leg.

4. Learned counsel appearing on behalf of the
petitioner submits that the petitioner is innocent and has been



falsely implicated in this case. Even the police after completing the investigation, submitted closure report against the petitioner and other co-accused persons. The complainant, on 16.03.2021, filed protest petition and Complaint Case No. 420 of 2021 was registered. However, the learned trial court took cognizance only against the petitioner under Section 326 of IPC and Section 27 of the Arms Act and did not proceed against other co-accused persons. Petitioner and the complainant are the agnates and there is land dispute between the parties. The complainant received firearms injury on 27.06.2020 but the FIR was lodged after delay of eight days for which there is no explanation. Police rightly disbelieved the allegation against the petitioner and others. Though the complainant has taken names of eight persons but the allegation of firing is not specific against any of the eight persons. Petitioner is having antecedent of two cases and both have been lodged by the cousin of the petitioner and father of the complainant of the instant case and in both the cases, the petitioner is on bail.

5. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that there is allegation against altogether eight persons for causing firearm injury.



6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the improbable nature of allegation against the petitioner coupled with possibility of false implication, let the petitioner named above, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned J.M.-1st Class, Madhepura/ court concerned, in connection with Complaint Case No. 420 of 2021, subject to the condition laid down under section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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