

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.30944 of 2023**

Arising Out of PS. Case No.-85 Year-2022 Thana- AGION (GARHANI) District- Bhojpur

Shyam Singh @ Ayush Kumar @ Bishal Kumar @ Sanjit Kumar, Male, aged about 21 years, Son of Sri Ram Singh, R/O-Poswan, P.S.-Agion (Grahani), Distt.-Bhojpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr. Raju Kumar Singh, Advocate  
For the Opposite Party : Mr. Sanjay Kumar Tiwary, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH**

ORAL ORDER

5      23-01-2024                      Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Agion (Grahani) P.S. Case No. 85 of 2022 dated 28.07.2022 registered for the offences punishable under Sections 324, 307, 504, 506/34 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, on 27.07.2022 at about 12.00 A.M., the informant alongwith his mother went to the house of his uncle (Sri Ram Singh) and talked about sell of his land more even after his share then his uncle, his wife Indu Devi @ Manju Devi and his son (Shyam Singh @ Aayush Kumar) started abusing. On being protested, they threatened to kill him



if any word say and his uncle Sri Ram Singh and his aunt Indu Devi @ Manju Devi said their son to shot and kill him. Thereafter, their son (Shyam Singh @ Aayush Kumar) fired from his pistol upon them causing injury on the informant's chest and on the stomach of his mother and thereafter they fell on the roof. On the hearing of sound of firing, his father and nearby people came and injured were brought to Primary Health Centre, Agion and from there they were referred to Sadar Hospital, Arrah and thereafter they were referred to P.M.C.H., Patna.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is no independent witness to the alleged occurrence. The petitioner and the informant are agnates and land dispute is going on between the parties. It is submitted that there is no injury report on the record to suggest the implication of the petitioner in the present case. The petitioner has clean antecedent, as stated in paragraph no. 3 of the bail petition.

7. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that there is direct allegation of firing upon the chest



of the informant and on the stomach of the informant's mother causing series injuries. It is further submitted by learned A.P.P. for the State that in paragraph nos. 5, 6, 47 and 57 of the case diary the witnesses have supported the allegations as made in the F.I.R.

8. Considering the aforesaid facts and circumstances of the case, I am of the view that no case for grant of anticipatory bail of the petitioner is made out. The petition is disposed of and the petitioner is directed to surrender before the learned court below within a period of eight weeks from the date of receipt/production of a copy of this order and the learned court below may consider the prayer for regular bail of the petitioner without being prejudiced of the order of this Court in connection with Agion (Grahani) P.S. Case No. 85 of 2022, pending in the court of learned A.C.J.M.-I, Bhojpur at Arrah.

9. Accordingly, the anticipatory bail application of the petitioner stands disposed of.

**(Chandra Prakash Singh, J)**

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