

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36257 of 2024

Arising Out of PS. Case No.-49 Year-2024 Thana- VAISHALI District- Vaishali

Pushp Raj @ Pushp Raj Kumar, Son of Arvind Kumar @ Pappu Rai, Resident
of Village- Fatahpur Kataru, P.S. - Vaishali (Belsar O.P.), District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kuldeep Kumar, Advocate
For the State : Mr.Anuj Kumar Shrivastava, APP
For the Informant : Mrs. Namrata Mishra, Advocate
Mrs. Archana Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-09-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. In the present case, the petitioner is apprehending his arrest in connection with Vaishali (Belsar OP) P.S. Case No. 49 of 2024 registered for the alleged offences under Sections 341, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the petitioner and other co-accused persons surrounded the motorcycle of the informant and they opened fire with their pistol. The villagers saved the informant. Thereafter, they came to the house of the informant and assaulted the younger brother of the informant.

4. The learned counsel for the petitioner submits that



the petitioner is innocent and has been falsely implicated in this case. There is counter version of the occurrence and Vaishali (Belsar OP) P.S. Case No. 50/2024 has been lodged by the petitioner against the informant's side as the informant's side assaulted the petitioner and snatched his gold chain and also damaged the crops grown in 2 acres by their tractor and JCB. The learned counsel further submits that police investigated the matter and the allegation of opening fire by the pistol was found to be false. There is no injury report of the informant and in fact no one has suffered any injury and for this reason, there is no report available on record. The petitioner is having clean antecedent.

5. Learned APP as well as learned counsel appearing on behalf of the informant oppose the submission made on behalf of the petitioner. The learned counsel for the informant submits that there is specific allegation against the petitioner for opening fire upon the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and its counter version and further considering the absence of any injury report and also considering the possibility of false implication as well as clean antecedent, let the petitioner above



named 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/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Vaishali at Hajipur, in connection with Vaishali (Belsar OP) P.S. Case No. 49 of 2024, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the 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)

V.K.Pandey/-

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