

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35697 of 2024

Arising Out of PS. Case No.-140 Year-2023 Thana- RAGHOPUR District- Supaul

Ashutosh Kumar @ Bhagta S/O Praveen Kumar Resident Of Bhatauni Ward
No 9 Ps Simri Bakhtiyarpur, Distt.- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Goutam, Advocate

For the State : Mr. Ram Bilash Roy Raman, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 23-05-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Raghopur P.S. Case No. 140 of 2023 registered for the offence punishable under Sections 324, 307 and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

3. As per the prosecution case, the petitioner along with other co-accused persons fired upon the informant due to which informant gets injured.

4. Learned counsel for the petitioner submits that the petitioner is innocent and have falsely been implicated in the present case. He further submits that the petitioner is not named in FIR and the name of the petitioner has surfaced in this case on the basis of confessional statement of the co-accused persons namely Abhinandan Kumar @ Suman Kumar, Raj Kumar and Amar Kumar



@ Anil Tiger and there is no any specific allegation of assault or overt act against the petitioner.

5. However, learned APP for the State vehemently opposed the prayer for regular bail.

6. On perusal of the FIR and impugned order dated 27.02.2024, and injury report, it appears that one lacerated wound found 5*3*2 cm below umbilicus region right side 5 cm below and there is no any specific allegation against the petitioner and the name of the petitioner surfaced in this case on the basis of confessional statement of the co-accused persons.

7. Considering the aforesaid facts and circumstances of the case and submissions made by learned counsel for the petitioner, in the event of their arrest or surrender before the Court below within six weeks from today, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of Learned A.C.J.M, Birpur, Supaul in connection with Raghapur P.S. Case No. 140 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Ramesh Chand Malviya, J)

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