

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38812 of 2024

Arising Out of PS. Case No.-461 Year-2023 Thana- KARAHGAR District- Rohtas

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Pappu Chaudhari @ Pappu Kumar S/O Shri Sanmukh Chaudhari R/O
Village- Radia, O.P.- Badahari, police Station- Karagahar, District- Rohtas,
State- Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bindeshwari Singh, Advocate
Mr. Saroj Kumar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Karagahar (Badahari OP) P.S. Case No. 461 of 2023, registered on 30.11.2023, for the alleged offence under Sections 341, 323 & 307 of the Indian Penal Code and Section 27 of the Arms Act.

03. As per prosecution case, the petitioner, who is brother of the informant, entered into some altercation with the informant and fired upon him with *katta* and shot hit on the right side of his head. Thereafter, the informant was assaulted by *danda* by the petitioner.

04. Learned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in this case. The allegation of causing gun-shot injury is false as no such injury has been found on the person of the informant and two injuries have been found, which are stated to be caused by hard and blunt substance. After 10 days, on the injury report, the doctor stated that one of the injuries is grievous but without assigning any reason for the same. In fact, the wife of the informant was posted and working as a nurse in the primary health center where the informant was treated and thus, this injury report has been procured. Learned counsel further submits that, in fact, there is no injury on the informant. Learned counsel further submits that there is counter version vide Karagahar (Badahari OP) P.S. Case No. 463 of 2023 lodged by this petitioner against the informant for the occurrence of same day. The petitioner is having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the absence of any firearm injury and non-serious nature of injuries apart from possibility of false implication, 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/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, Rohtas at Sasaram/concerned court in connection with Karagahar (Badahari OP) P.S. Case No. 461 of 2023, 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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