

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45491 of 2024

Arising Out of PS. Case No.-49 Year-2024 Thana- GAURICHAK District- Patna

LALAN KUMAR @ LALAN RAI SON OF SURESH RAY VILLAGE-
GAURICHAK, P.S.- GAURICHAK, DISTT.- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.N.K. Agrawal, Sr. Adv.
: Ms.Usha Kumari Singh, Adv.
For the Opposite Party/s : Mr.Ahmad Ali, APP
For the Informant : Mr. Rudra Dev, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 30-08-2024 Heard learned senior counsel Mr. N.K. Agrawal for
the petitioner, learned A.P.P. for the State and learned counsel
for the informant.

2. The petitioner seeks regular bail in connection with
Gaurichak P.S. Case No.49 of 2024 lodged under Sections 307,
302/34 of the I.P.C. read with Section 27 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been
lodged against eight named accused persons including the
petitioner against whom there is allegation that they have made
fire on the informant and his brother. The specific allegation
against the present petitioner is that he has fired by bullet on the
informant due to which informant received injury on the left
hand. Subsequent allegation has been made against Sonu Kumar
and Vickky Kumar to make fire on the chest of informant's
brother who died on spot.

4. Learned senior counsel for the petitioner submits
that the petitioner is innocent and has committed no offence. He



submits that informant and petitioner both are well known to each other and resident of same village and due to political dominance, scuffling took place between them.

5. Learned senior counsel further submits that the petitioner has earlier filed a case vide Gaurichak P.S. Case No.377 of 2023 on 29.06.2023 against the informant and with a view to save their skin, the informant's side has also lodged a case vide Gaurichak P.S. Case No.49 of 2024 against the petitioner later on.

6. Learned senior counsel further submits that the petitioner is in custody since 03.02.2024 having two criminal antecedent and in this regard, he has filed supplementary affidavit. Initially due to miscommunication, it has been mentioned that petitioner has no criminal antecedent.

7. Learned counsel for the informant vehemently opposes the prayer for bail and submits that he has fired by bullet to the informant due to which injury caused and thereafter indiscriminate firing has been made by the petitioner and others due to which the brother of the informant died.

8. Counsel further submits that case diary has been called for and from the post-mortem report, it become clear that not only two firing has been made rather there are 6 injury caused on the body of the deceased (informant's brother).



9. Counsel further submits that till date, only charge-sheet has been submitted in this case.

10. Learned counsel for the State opposes the prayer for bail and submits that there is specific allegation against the petitioner.

11. Learned senior counsel for the petitioner further submits that from the perusal of the case diary, there is one more aspect has come which is restatement of the informant who has not disclosed the name of the petitioner which creates doubt on the entire prosecution story.

12. Upon specific query whether charge has been framed or not. Counsel submits that as per his knowledge, charge has not been framed till date.

13. In the present facts and circumstances of this case and the submissions made above, this Court is not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby rejected, but liberty is hereby granted to the petitioner that he may renew his prayer for bail after framing of charge.

(Dr. Anshuman, J.)

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