

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46391 of 2024

Arising Out of PS. Case No.-107 Year-2023 Thana- SIKARHATTA District- Bhojpur

Muktinarayan Singh @ Muktinarayan Son of Narendra Singh @ Mahendra
Singh Resident of Vill- Chanda, P.S.- Sikarhatta, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-09-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 452, 307 and 120B of the
Indian Penal Code read with Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case and is in custody since
09.04.2024 and the informant alleges that her husband on
13.07.2023 had gone to sleep in the cattle house of one
Rajkeshwar Singh when at 11:45 PM, she received an
information by one Anuj Singh that her husband was shot,
accordingly, she reached the place of occurrence and saw her
husband drenched in blood but was alive and her husband
disclosed that five people came at about 11:35 PM in the night



who committed the occurrence and he identified the petitioner along with one Pintu.

4. Learned counsel for the petitioner submits that the date of occurrence is 13.07.2023 and the *Fardbeyan* of the informant was recorded on 29.07.2023 i.e. after a delay of sixteen days which is fatal for the prosecution, it is next submitted that if the husband of the informant disclosed about the petitioner and Pintu that they were also present along with other unknown accused who fired causing injury then why the informant did not inform the police instantly, which casts an aspersion on the case of the prosecution. It is further submitted that even injured is a person with criminal antecedent and he may have been shot by someone else and thereafter the petitioner came to be implicated after sixteen days of the occurrence, by way of afterthought.

5. Learned A.P.P. for the State opposes the prayer for regular bail application of the petitioner and submits that petitioner had earlier moved this Court seeking anticipatory bail by filing Criminal Miscellaneous No. 13357 of 2024 which was rejected by an order dated 19.03.2024 wherein it was argued that the husband of the informant received firearm injury and from perusal of Para 96 of the case diary, it would manifest that



he suffered grievous injury, it was also submitted that why the husband of the informant would try to implicate someone who was not associated with the occurrence when allegation is of receiving firearm injury.

6. The learned counsel for the petitioner rebuts the said submission and submits that no doubt the *Fardbeyan* of the informant was recorded at the hospital, but then the same was recorded on 29.07.2023 i.e. after sixteen days of the occurrence hence it is submitted that had the husband of the informant been shot in the manner as alleged and he would have been admitted in the hospital soon after the occurrence in that event the hospital would have informed the police, but then that is not the case which further casts an aspersion on the case of the prosecution.

7. The learned counsel for the petitioner, at the cost of repetition, submits that petitioner has antecedent of one case but then the case which was registered i.e. Sikarhatta P.S. Case No. 29 of 2020 was with respect to offences which carry punishment of three years and less as such he is not a criminal. It is also submitted that petitioner will not abscond rather will co-operate in the trial to prove his innocence.

8. Considering the submissions made by the learned



counsel for the petitioner, the petitioner above-named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Sikarhatta P.S. Case No. 107 of 2023.

9. It is made clear that if the learned Trial Court comes to a conclusion that the petitioner, after his release, is trying to delay the trial in any manner in that event the learned Trial Court shall be at liberty cancel the bail bonds of the petitioner forthwith after recording reasons.

10. Accordingly, the instant regular bail application stands allowed.

(Satyavrat Verma, J)

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