

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45481 of 2024

Arising Out of PS. Case No.-155 Year-2023 Thana- DARBHANGA SADAR District-
Darbhanga

=====

MD. SHABBU @ MD. SABBUS SON OF LATE MD. JAVED RESIDENT
OF VILLAGE-NIMCHAK NAKA NO.5, SENAPATH, MUKTI MOHALLA,
PURANI MUSAFI, POLICE STATION - NAGAR, DISTRICT –
DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-07-2024 Heard learned counsel appearing on behalf of

the petitioner and learned APP appearing on behalf of

the State.

2. The petitioner seeks bail in connection with

Darbhanga Sadar P.S. Case No. 155 of 2023 registered

for the offences under Sections 341, 307, 506, 34 and

120 (B) of the Indian Penal Code and Section 27 of the

Arms Act.



3. The petitioner is named in the F.I.R. and is in custody since 22.05.2024.

4. The allegation against the petitioner is to open fire upon son of informant alongwith other co-accused persons causing firearm injuries on his chest, having intention to cause death, where alleged occurrence arises out of previous enmities.

5. Learned counsel appearing on behalf of the petitioner submitted that informant of this case namely Bhusan Yadav, who is none but father of the injured namely Pankaj Kumar Yadav, who claimed himself to be eye-witness of the occurrence, raised allegation only against co-accused Akchay Ram @ Aman Ram having pistol in hand and to open fire upon his son. It is also submitted that FIR speaks about the statement made by Pankaj Kumar Yadav, where he categorically stated that it was also the petitioner alongwith co-accused Akchay Ram, who open fired upon him. It is further submitted that as per injury report, only single bullet injury was



found on the chest of injured Pankaj Kumar Yadav and therefore the allegation *qua* firing is appearing contradictory. It is further submitted that previous enmities appears to be the reason for present occurrence, now compromised between the parties. While concluding the argument it is submitted that investigation has been completed and as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above and by taking note of contradictory allegation *qua* firing, where petitioner is a man of clean antecedent, coupled with the fact that investigation has already completed, accordingly, petitioner above named, is directed to be released on bail in connection with Darbhanga Sadar P.S. Case No. 155 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to



the satisfaction of learned Chief Judicial Magistrate,
Darbhanga/concerned court, subject to the conditions as
mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

U		T	
---	--	---	--

