

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47006 of 2024

Arising Out of PS. Case No.-28 Year-2024 Thana- WARISLIGANJ District- Nawada

Dilip Raut @ Dilip Kumar Raut @ Dilip Kumar Son of Sita Rauth Resident
of Vill- Chandipur, Rajapur Saur, P.S.- Warsaliganj, District- Nawada, Bihar

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mrityunjay Kumar, Adv.
For the informant	:	Mr. Deepak Kumar, Adv.
		Mr. Dewanand Tiwari, Adv.
		Mr. Amresh Kumar Sinha, Adv.
For the State	:	Ms.Anita Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 19-07-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Warisaliganj P.S. Case No. 28 of 2024 dated
14.01.2024 registered for the offences punishable u/ss 147, 148,
149, 323, 324, 337, 338, 307 of the Indian Penal Code.

3. As per the prosecution case, the co-accused persons
armed with rifle, gun, pistol started indiscriminate firing on the
informant. In the meantime, the co-accused, Malakh Raut
holding pistol was firing which hit below his right eye. The
accused persons holding lathi-danda came and abused and
threatened to kill if the case was lodged.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the F.I.R. It is further submitted that the F.I.R. was lodged by the informant and the injured, Subhash Kumar made signature on the said F.I.R. In the said F.I.R. there is no allegation of firing on Subhash Kumar by the petitioner. Hence the statement of Subhash Kumar under Section 161 of the Cr.P.C. amounts to subsequent development. The petitioner has been falsely implicated in this case merely because he is the husband of the elected Mukhiya as well as relatives of the co-accused, Mithilesh Raut. There is a case and counter case between the parties. It is further submitted that the petitioner has no concern with the alleged offence. The injury sustained by the injured is grievous in nature which is on non vital part of the body. The co-accused persons have already been granted regular bail by this court vide order dated 03.05.2024 passed in Cr. Misc. No. 25778 of 2024. The petitioner has 12 criminal antecedents in which he is on bail as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner and submitted that the injured Subhash Kumar in his



statement has named the petitioner who fired three rounds on him with rifle and one bullet hit in his leg. The injury is found to be grievous in nature.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Nawada in connection with Warisaliganj P.S. Case No. 28 of 2024, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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