

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51187 of 2024

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

=====

Akshay Ram @ Aman Ram S/o- Late Munna Ram Village- Mosimpur P.S.-
Sadar Dist- Darbhanga

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr.Narendra Kumar Singh, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-10-2024 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 the informant alongwith other co-accused
persons causing firearm injuries on his chest, where alleged
occurrence alleged to arising 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 the father of the injured namely, Pankaj Kumar Yadav, claimed himself to be an eye witness of the occurrence, but the facial perusal of the F.I.R. indicates his status doubtful being eye witness of the occurrence and in such circumstances, the only reliable witness is the injured witness which is Pankaj Kumar Yadav.

6. It is submitted that this petitioner alongwith Md. Shabbu opened fire upon him which caused one bullet injury on his chest. The injured did not specify that who fired bullet on his chest. It is further submitted that due to certain confusion out of previous enmity, the present case was lodged by the informant but now the enmities behind the occurrence stands compromised.

7. In support of his submission *qua* compromise, learned counsel referred Annexure P-4 series which starts from page '28' of the present petition. While concluding argument, learned counsel submitted that similarly situated co-accused Md. Shabbu @ Md. Sabbus has already granted bail by this Court vide order dated 05.07.2024 passed in Cr.



Misc. No. 45481 of 2024. It is submitted that investigation has been completed and as such, there is no chance of tampering with the evidence.

8. Learned APP appearing on behalf of the State, while opposing the prayer for bail, submitted that the injured specifically named this petitioner as to open fire upon him. It is also pointed out that the offence in issue is not compoundable under law and, therefore, the compromise, as referred above, having no bearing on its face.

9. In view of the aforesaid facts and circumstances and by taking note of contradictory allegation *qua* firing, where similarly situated co-accused Md. Shabbu @ Md. Sabbus has already granted bail by this Court, accordingly, petitioner above named, who is in custody since 22.05.2024, 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 condition as laid down under Section



437(3) Cr.P.C/ Section 480(3) of the Bhartiya Nyaya
Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J.)

Rajeev/-

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

