

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55126 of 2024

Arising Out of PS. Case No.-85 Year-2022 Thana- AGION (GARHANI) District- Bhojpur

Shyam Singh @ Ayush Kumar @ Bishal Kumar @ Sanjit Kumar Son of
Shriram Singh R/O Vill.-Poswan, P.s.- Agiaon (G), Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parmatma Singh, Adv.

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

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

ORAL ORDER

3 05-09-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Agion (Grahani) P.S. Case No. 85 of 2022 dated 28.07.2022 registered for the offences punishable under Sections 324, 307, 504, 506/34 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, on 27.07.2022 at about 12.00 A.M., the informant alongwith his mother went to the house of his uncle (Sri Ram Singh) and talked about sale of his land more even after his share then his uncle, his wife Indu Devi @ Manju Devi and his son (Shyam Singh @ Aayush Kumar) started abusing. On being protested, they threatened to kill him



if any word say and his uncle Sri Ram Singh and his aunt Indu Devi @ Manju Devi said their son to shot and kill him. Thereafter, their son (Shyam Singh @ Aayush Kumar) fired from his pistol upon them causing injury on the informant's chest and on the stomach of his mother and thereafter they fell on the roof. On the hearing of sound of firing, his father and nearby people came and injured were brought to Primary Health Centre, Agion and from there they were referred to Sadar Hospital, Arrah and thereafter they were referred to P.M.C.H., Patna.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is no independent witness to the alleged occurrence. The petitioner and the informant are agnates and land dispute is going on between the parties. It is submitted that there is no injury report on the record to suggest the implication of the petitioner in the present case. The petitioner has clean antecedent, as stated in paragraph no. 3 of the bail petition. The petitioner is in custody since 20.02.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that there is direct allegation of firing upon the chest of the



informant and on the stomach of the informant’s mother causing injuries. It is further submitted by learned A.P.P. for the State that in paragraph nos. 5, 6, 47 and 57 of the case diary, the witnesses have supported the allegation as made in the F.I.R. Learned counsel has further submitted that the anticipatory bail application of the petitioner was earlier disposed of by this court vide order dated 23.01.2024 passed in Cr. Misc. No. 30944 of 2023.

6. Considering the aforesaid facts and circumstances of the case as well as the specific allegation against the petitioner, I am not inclined to enlarge the petitioner above-named on bail.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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