

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53235 of 2024

Arising Out of PS. Case No.-247 Year-2023 Thana- KUDRA District- Kaimur (Bhabua)

Sri Bhagwan Singh son of Late Rambali Singh Village- Madhubani Ps- Kudra
Dist- Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Kudra P.S. Case No. 247 of 2023, registered on 12.07.2023, for the alleged offences under Sections 147, 148, 149, 323, 307 of the Indian Penal Code.

03. As per prosecution case, in the background of land dispute and money transaction, the petitioner and other co-accused persons chased the informant and the petitioner fired upon the informant, causing injury in his left thigh.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The background of land and monetary dispute is admitted in the FIR. There is counter version as well and the wife of the



petitioner has lodged Kudra P.S. Case No. 251 of 2023 for the occurrence of same day in which the informant side assaulted the family members of the petitioner and also opened fire. Learned counsel further submits that there is no allegation that there has been repetition of firing or making attempt on the life of the informant. The injury of the informant was found to be simple in nature. Learned counsel further submits that earlier the anticipatory bail of the petitioner was rejected by this Court vide order dated 05.03.2024 passed in Criminal Misc. No. 77026 of 2023. The petitioner is in custody since 10.06.2024. The petitioner has got no criminal history.

05. Learned APP for the State opposes the prayer for bail. Learned APP submits that specific allegation against the petitioner is that he shot at informant which caused the injury.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the simple nature of injury further considering the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Mohania (Kaimur) in connection with Kudra P.S. Case No. 247



of 2023, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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