

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58041 of 2024

Arising Out of PS. Case No.-246 Year-2023 Thana- SURYAPURA District- Rohtas

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Ajit Kumar @ Ajeet Kumar Son of Ashok Singh R/o Village- Jantola Jai Tola,
P.S.- Piro, District- Bhojpur at Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Adv.

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 13-11-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Suryapura P.S. Case No. 246 of 2023 instituted for the offences
under Sections 307 and 34 of the Indian Penal Code and Section
27 of the Arms Act.

3. The prosecution case, in short, is that the petitioner
and two other co-accused, riding on white colour Apache
Motorcycle, were going on making firing towards Goshaldih
Bazar and when the villagers tried to stop then one of these
three persons fired on Informant with intention to kill the
informant but, that bullet hit on the left leg's sole of Informant
and, thereafter, the Informant fell down and he was brought in



hospital for the treatment. All three accused persons were caught by the crowd and out of three, two accused persons were killed by the crowd whereas remaining one accused i.e. the petitioner was sent to hospital for treatment.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that there is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature and the petitioner has been named in this case only on the basis of instructions of the Informant. The petitioner has not fired upon the Informant and, in fact, firings were made by the local villagers which hit the Informant's leg. He further submits that the injury caused to the Informant is simple in nature. The petitioner has eight criminal antecedents and is languishing in judicial custody since 03.04.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that from Para 11 of the case diary, it appears that the weapon with which the offence was caused was recovered from the possession of the petitioner regarding which Suryapura P.S.



Case No. 244 of 2023 dated 15.11.2023 was lodged. Injury report also supports the prosecution case. The petitioner has also eight criminal antecedents. The offence alleged against the petitioner is serious in nature and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also the fact regarding recovery of the alleged arms from the possession of the petitioner, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial.

(Rudra Prakash Mishra, J)

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