

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60118 of 2024

Arising Out of PS. Case No.-564 Year-2023 Thana- SAUR BAZAR District- Saharsa

Arvind Kumar, Son of Rajendra Yadav @ Rajendra kumar, Resident of
Village -Surmaha, Ward No 06, P.S- Saur Bazar, District -Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs.Rashmi Jha, Advocate
For the State	:	Mr.Chandra Bhushan Prasad, APP
For the Informant	:	Mr. Prasoon Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-11-2024 Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. In the present case, the petitioner seeks bail in connection with Saur Bazar P.S. Case No.564/2023 registered for the alleged offences under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, in the background of dispute between the children, the petitioner and others attacked the house of the informant and started assaulting the informant. When the husband of the informant tried to save her, the petitioner and co-accused Sonu Kumar opened fire upon the husband of the informant, who received two gunshot injuries



and became unconscious.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is apparent from the FIR that in the background of quarrel between the children, the occurrence took place. But the FIR has been lodged after three days of the occurrence for which there is no explanation. Nothing incriminating has been recovered from the person/possession of this petitioner. Though the allegation is that of opening fire against the petitioner, but no empty cartridges were recovered from the place of occurrence. In the injury report, the doctor has not mentioned about entry/exist wound and it appears a forged report has been prepared in the private hospital. The petitioner is in custody since 18.01.2024 and the charge sheet has been submitted.

5. Learned APP as well as learned counsel for the informant vehemently oppose the submission made on behalf of the petitioner. The learned counsel for the informant submits that the husband of the informant received gunshot injury as it is apparent from the injury report and the doctor, who examined the husband of the informant, has stated the injury of the husband of the informant to be grievous in nature. The petitioner is also having criminal antecedent.



6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the delay in lodging the FIR and further considering the period of custody of the petitioner and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Saharsa/court concerned in connection with Saur Bazar P.S. Case No. 564 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 on 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)

V.K.Pandey/-

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