

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69991 of 2023

Arising Out of PS. Case No.-454 Year-2017 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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MUKESH KUMAR SINGH S/o Nagendra Singh R/o Village Urdina, P.S.-
Barun, District-Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. LORIK SINGH S/o Ramsubhag Singh R/o Village Barwadih, P.S. Barun,
District-Aurangabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Adv. Mr. Ashok Kumar Singh, Adv.
For the Opposite Party/s	:	Mrs. Indihar Kumari, APP
For the Complainant	:	Mr. Lal Bahadur Singh, Adv

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 30-01-2024 Heard learned Senior Counsel for the petitioner,

learned A.P.P. for the State and learned counsel for the

complainant.

2. The petitioner apprehends his arrest in a case

registered for the offences punishable under Section 307 of the

Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the allegation

against the petitioner is that he shot fire over the informant with

an intention to kill him, which hit on his left leg below the knee

and caused injury therein.

4. Learned Senior Counsel for the petitioner

submits that the petitioner is innocent and has falsely been



implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that earlier to this, an FIR was registered for the same offence and the Investigating Officer had investigated the case in connection with Barun P.S. Case No. 139/2012, and after completion of investigation he had submitted final form against the petitioner. He further submits that after about 9 months of the submission of the final form, the complainant filed present protest-cum-complaint petition, on the basis of which the present complaint was registered and after 5 years and 2 months of acceptance of final form, on 30.06.2022 the Court below took cognizance and issued summons against the petitioner. Thereafter, the petitioner filed the present anticipatory bail application. Petitioner has eight criminal antecedents as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the complainant opposed the prayer for anticipatory bail and submitted that the learned Court below has rightly taken cognizance against the petitioner as the allegation against the petitioner is that he had fired upon the complainant, though the injury was found simple in nature.

6. Considering the facts and circumstances of the



case, arguments of the parties and perusal of the records and the fact that the cognizance was taken against the petitioner in protest-cum-complaint petition, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Complaint Case No. 454 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

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