

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67800 of 2023

Arising Out of PS. Case No.-388 Year-2022 Thana- KOCHAS District- Rohtas

Shivjee Singh Son of Vijay Singh Resident of Village - Kauakhock, P.s. -
Kargahar, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv. Mr. Bhaskar Shankar, Adv.
For the State	:	Mr. Surendra Kumar, APP
For the Informant	:	Mr. Ranjeet Choubey, Adv. Mr. Jainandna Kumar, Adv.

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

ORAL ORDER

5 12-03-2024 Heard learned counsel for the petitioner and

learned APP for the State as also counsel for the Informant.

Perused the case diary.

2. The petitioner seeks bail in connection with

Kochas P.S. Case No. 388 of 2022 instituted for the

offences under Sections 307, 341, 323, 504, 506, 34 of the

Indian Penal Code and Section 27 of the Arms Act. Later on,

Section 302 of the I.P.C. was added.

3. As per allegation levelled in the *fardbeyan*, there

is specific allegation of firing upon the two persons and

inflicting fire-arm injuries by country made pistol. The



petitioner fired with country made pistol upon the Informant and caused injury in his left hand. When the Informant's nephew came to save him, Shivji Singh/petitioner fired with country made pistol due to which he was severely injured. It has been alleged that the bullet pierced his belly and passed across the same. Ultimately, Abhishek died in hospital in course of his 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. There is an admitted land dispute between the parties. In this case, the Informant has corrected his earlier version during re-statement in course of investigation in which he has stated that co-accused Sudhakar Singh is the main assailant of the deceased. The father and mother of the deceased who were eye-witness to the occurrence, have also stated that the petitioner had fired which hit the Informant's hand and, thereafter, the pistol fell down on the earth whereafter co-accused Sudhakaar Singh got hold the Katta and fired hitting the deceased. He further submits that



the injury report of the Informant does not support the prosecution version. There is no specific overt act has been alleged against the petitioner as also no specific arms has been alleged against him. There is no independent witness has been cited as as witness in the FIR as also there is inordinate delay in filing the case without there being any explanation for the same. The petitioner has two criminal antecedents as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 11.04.2023. Charge-sheet has been submitted in this case.

5. Learned A.P.P. for the State and the Informant has vehemently opposed the prayer for grant of bail to the petitioner submitting that there is sufficient material in the case diary against the petitioner/accused and, hence, the petitioner does not deserve bail.

6. Learned counsel for the Informant has also filed counter affidavit stating therein that the Informant had also wrote to District Magistrate, Sasaram, Rohtas to provide security to him as well as his family member and also to



transfer the case to CID and for speedy trial as he is getting continuously threat from the accused persons.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner coupled with nature of injury caused by the petitioner which is simple, let the petitioner, abovenamed, 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 Court below/concerned Court in connection with Kochas P.S. Case No. 388 of 2022.

(Rudra Prakash Mishra, J)

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