

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.544 of 2024

Arising Out of PS. Case No.-832 Year-2023 Thana- GAYA MUFASIL District- Gaya

Saket Kumar @KUMAR Saket Son Of Sanjay Sharma Resident Of Village-
S.S. Colony, Ps- Mufassil, Dist- Gaya, Permanent Add- Resident Of Village-
Khatangi, Ps- Kurtha, Dist- Arwal.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 17555 of 2024

Arising Out of PS. Case No.-832 Year-2023 Thana- GAYA MUFASIL District- Gaya

Chintu Kumar Son Of Devendra Kumar @ Tuntun Kumar R/O-Krishnampur,
P.S.-JEHANABAD, Distt.-JEHANABAD And Present R/O-S.S. Colony, P.S.-
MUFFASIL, Distt.-GAYA.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 544 of 2024)

For the Petitioner/s : Mr. Priya Ranjan, Advocate
Mr. Sanjeev Kumar, Advocate
Mr. Mukesh Kumar, Advocate
Mr. Nitish Kumar, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

For the Informant : Mr. Zeeshan Khan, Advocate

(In CRIMINAL MISCELLANEOUS No. 17555 of 2024)

For the Petitioner/s : Mr.Priya Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 19-03-2024

Cr. Misc. No. 544 of 2024

1. Heard learned counsel appearing on behalf
of the petitioner and learned Additional Public Prosecutor



appearing on behalf of the State

2. The accused/petitioner is named in F.I.R. and apprehending his arrest in connection with Muffasil P.S. Case No. 832 of 2023, registered for the offences punishable under Sections 341, 323, 324, 307, 385, 387, 120(B), 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The allegation against above named petitioner is to open fire upon informant alongwith other co-accused persons, causing firearm injuries, having intention to cause his death, where occurrence is alleged to be arises out of non-payment of extortion amount of Rs. 5 lacs for construction of home.

4. Learned counsel appearing on behalf of the petitioner submitted that thrust of allegation is available against co-accused, namely, Chintu Kumar, as per informant of this case, who is claiming himself to be an eye-witness of the occurrence. It is submitted that the allegation against this petitioner is very general and



omnibus in nature, as he only accompanied main co-accused and furthermore, allegation of firing as alleged to be made by petitioner not appears with intention to cause death. It is further submitted that petitioner found involved in two petty nature of cases, where he is on bail.

5. Learned APP duly assisted by learned counsel Mr. Zeeshan Khan, appearing on behalf of the informant, while opposing the prayer of bail submitted that petitioner actively participated during the occurrence and this is a case of collective demand.

6. Considering the aforesaid facts and circumstances and by taking note of fact, as thrust of allegation is available against co-accused Chintu Kumar as to cause bullet injury to the husband of informant during the occurrence, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing



bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XI, District-Gaya/concerned Court, where the case is pending in connection with Muffasil P.S. Case No. 832 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Cr. Misc. No. 17555 of 2024

7. Heard learned counsel appearing on behalf of the petitioner, learned Additional Public Prosecutor appearing on behalf of the State and learned counsel appearing on behalf of the informant.

8. The accused/petitioner is named in F.I.R. and apprehending his arrest in connection with Muffasil P.S. Case No. 832 of 2023, registered for the offences punishable under Sections 341, 323, 324, 307, 385, 387, 120(B), 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

9. The allegation against above named



petitioner is to open fire upon informant alongwith other co-accused persons, causing firearm injuries, having intention to cause his death, where occurrence is alleged to be arises out of non-payment of extortion amount of Rs. 5 lacs for construction of home.

10. Learned counsel appearing on behalf of the petitioner submitted that petitioner falsely implicated out of local disputes and differences. It is also submitted that no ransom amount as of now was received by petitioner, who is a man of clean antecedent. It is further submitted that injury report also not appears corroborated with bullet injury.

11. Learned APP duly assisted by learned counsel Mr. Zeeshan Khan, appearing on behalf of the informant, while opposing the prayer of bail submitted that allegation of firing is specifically available against petitioner, where the first sitting doctor opined clearly that same was caused by firearms.

12. Considering the facts and circumstances



and by taking note of fact, as allegation to cause
firearms injury is specific against this petitioner, where
informant is the eye-witness of the occurrence,
accordingly, the prayer of anticipatory bail of petitioner
is rejected herewith.

(Chandra Shekhar Jha, J)

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