

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79839 of 2023

Arising Out of PS. Case No.-292 Year-2023 Thana- FATUA District- Patna

Vikash Kumar @ Ballu Son of Nand Kishor Singh Village -Dumari P.S.
Fatuha District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar

For the Opposite Party/s : Mr. Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 07-03-2024 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 Fatuha P.S. Case No. 292 of 2023 registered for the offences punishable under Sections 323, 341, 307, 120 B, 379, 504, 34 of the Indian Penal Code and Section 27 of the Arms Act.
3. The allegation against this petitioner is to assault informant and others alongwith 12 named co-accused persons and also to open fire upon informant



and others, having intention to cause death, where occurrence arises out of land dispute.

4. Learned counsel appearing on behalf of the petitioner submitted that the allegation of firing against petitioner is only to aggravate the allegation in the background of land dispute for which a title suit, bearing no. 43/2023 is pending between the parties. It is submitted that no injury, as alleged, was caused out of said firing. It is submitted that the narration of FIR suggests multiple firing but from the place of occurrence only one empty cartridge was recovered, falsifying the allegation of firing as raised specific against this petitioner. While concluding the argument, it is submitted that seizure list also appears doubtful as same appears supported by Bihar Home Guard personnel not by independent witnesses.

5. Learned APP appearing for the State opposes the prayer of bail.

6. Considering the aforesaid factual submissions



and by taking note of fact as only single empty cartridge appears recovered as per seizure list, *prima facie*, falsifying the allegation of multiple firing as narrated through FIR, where allegation raised in backdrop of land dispute for which a title suit is pending between the parties, accordingly, the above named petitioner, in the event of his arrest or surrender before learned trial court within a period of four weeks, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Patna City/concerned Court, where the case is pending in connection with Fatuha P.S. Case No. 292 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

archana/-

U		T	
---	--	---	--

