

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.452 of 2024

Arising Out of PS. Case No.-39 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

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Avinash Kumar Garg @ Avinash Thakur @ Sonu Thakur Son of Shyam
Kishore Thakur R/o vill - Chakmohabbat, infront of Ganpati Bibah Bhawan,
P.S. - Ahiyapur, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar, Advocate
For the Opposite Party/s	:	Mr. Raj Kishor Singh, APP
For the Informant	:	Mr. Akash Raj, Advocate
		Mr. Santosh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 16-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Ahiyapur P.S. Case no. 39 of 2023, registered under sections 307, 341, 324, 326 and 120B of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that three named accused persons including the petitioner herein resorted to indiscriminate firing causing gunshot injuries to the brother of the informant.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. No such occurrence as alleged has taken place. The cause of false



implication of the petitioner is enmity between the parties. No injury report has been brought on record in course of investigation. There is no explanation for the delay in lodging of the FIR. For an occurrence which had taken place at 10:00 am on 9.1.2023, the FIR was registered only at 1:35 pm on 10.1.2023. The petitioner is in custody since 27.6.2023.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant.

6. By order dated 15.1.2024 passed in the instant case, case diary as also injury report was called for. A copy of the injury report has been received along with the letter no.338 dated 29.2.2024 of the Senior Superintendent of Police, Muzaffarpur. From perusal of the injury report, it transpires that the injured sustained several gunshot injuries on his right shoulder, right ankle etc. which were found by the doctor to be grievous in nature.

7. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the FIR together with the contents of the injury report according to which the allegations in the FIR have been substantiated and the injuries have been found to be grievous in nature, the Court is not inclined to enlarge the petitioner on bail and the



application is rejected.

(Partha Sarthy, J)

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