

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8436 of 2025

Arising Out of PS. Case No.-218 Year-2024 Thana- BARAHAT District- Banka

Mukesh Kumar, aged about 41 years, male, son of Sadanand Singh, resident of Village- Laugay, PO- Teliya Laugay, Police Station- Fullidumar, District- Banka at present resident of village- Vangaon, PS- Rajoun, Dist- Banka
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP
For the Informant : Mr. Rajesh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 14-05-2025 Heard learned counsel for the petitioner; learned Additional Public Prosecutor for the State and learned counsel for the informant, who has appeared *suo motu*.

2. The petitioner seeks bail in connection with Barahat PS Case No.218 of 2024 dated 08.09.2024, instituted for the offence punishable under Sections 126(2), 115(2), 109(1), 352, 351(2), 3(5) of the *Bharatiya Nyaya Sanhita*, 2023, and Section 27 of the Arms Act.

3. The allegation against the petitioner, who is the brother-in-law of the informant, is that on the alleged date of occurrence he called the informant on phone and asked him to come at the house of Rajeev Kumar. When the informant reached there, he found his brother-in-law and one unknown



person was sitting outside the house of Rajeev Kumar. Thereafter, he along with aforesaid persons went near Chapra Kolhatta Nahar and when he reached there then his brother-in-law i.e., the petitioner fired bullet on his chest and arm and thereafter he was brought to Rajoun Primary Hospital and from there he was referred to Mayaganj Hospital, Bhagalpur and ultimately, he was referred to Patna.

4. Learned counsel for the petitioner submits that the petitioner is the brother-in-law of the informant and due to family dispute he has been implicated in this case. It is also submitted that the real fact is that the wife of the informant herself has lodged a case on 05.09.2024 against her husband under Section 85 of the *Bharatiya Nayaya Sanhita*, 2023. The date of occurrence is 05.09.2024, but the FIR has been lodged on 07.09.2024 i.e., after two days in presence of his father-in-law. It is also submitted that there is specific allegation against the petitioner that he fired twice on the injured but the injury report shows only one firearm injury and another injury is abrasion on left deltoid muscles size 1" x 1/4" and does not support the prosecution version. Lastly, it is submitted that the petitioner is in custody since 14.09.2024 having no criminal antecedents and charge-sheet has been submitted in the case.



5. Learned APP as well as learned counsel for the informant have opposed the prayer for bail. Learned counsel for the informant submits that there is specific allegation that the petitioner fired twice on the informant/victim and one bullet injury has been found on the chest and thus, the injury report corroborates the prosecution case. It is also submitted that the trial is going on and four witnesses out of five have already been examined in the case.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, I am not inclined to grant bail to the petitioner.

7. Prayer of the petitioner for grant of bail is rejected.

8. The trial Court is directed to take all endeavor to conclude the trial at the earliest, preferably, within a period of six months from the date of receipt/production of a copy of this order without granting unnecessary adjournments in view of the fact that four witnesses have already been examined in the case.

9. The application stands dismissed.

(Khatim Reza, J)

J. Alam/-

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