

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11434 of 2025

Arising Out of PS. Case No.-209 Year-2024 Thana- SABAUR District- Bhagalpur

Piyush Kumar, aged about 19 years, Gender-Male, Son of Late Surendra Singh @ Late Surendra Prasad Singh, Resident of Hariao, P.S. Bihpur Present P.S. Jhandapur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

4 14-05-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Sabaur P.S. Case No. 209 of 2024 instituted for the offences punishable under Sections 147, 148, 149, 341, 323 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, all the accused persons including the petitioner (Piyush Kumar) took out the pistol from his waist and opened fired upon the informant, due to which one bullet hit the informant's stomach and he fell down on the ground.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has



falsely been implicated in this case. He submits that the entire allegation against the petitioner is false and concocted. He further submits that investigation of the case has been completed and charge-sheet has been submitted against the petitioner. Petitioner has got clean antecedent as stated in para 3 of the petition is in custody since 06.06.2024.

5. Learned APP opposes the prayer for bail and submits that there is specific allegation that he fired on the injured (informant) which hit his abdomen.

6. From perusal of the case diary, FIR, injury report and also perused the impugned order dated 26.11.2024 passed by the learned Sessions Judge, Bhagalpur, it appears that on the basis of fardbeyan of the informant Sachidanand Kumar Singh, FIR has been lodged under Sections 147, 148, 149, 341, 323 and 307 of the Indian Penal Code and Section 27 of the Arms Act against three named and two unknown persons including the petitioner. The specific allegation against the petitioner is of firing on the informant causing firearma injury in his abdomen, which is vital part of the body. The injury report also supports and corroborates the prosecution version. From the injury report, it appears that lacerated wound of size 3x2x1cm in right mid axillay line 7cm below right costal margin, lacerated wound



size 1x1x1 cm in mid clavicular line 5 cm below right costal margin and chest injury done by Radiology Department shows no bony fracture seen. Nature of injury found by the doctor has opined as grievous in nature caused by firearm and during investigation the witnesses has fully supported the prosecution case.

7. Considering the facts and circumstances of the case, nature of seriousness of accusation, direct allegation and active participation of the petitioner in the alleged occurrence, I am not inclined to grant bail to the petitioner.

8. Prayer for regular bail of the petitioner is hereby rejected.

(Ramesh Chand Malviya, J)

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