

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11220 of 2025

Arising Out of PS. Case No.-427 Year-2024 Thana- SAKRA District- Muzaffarpur

Ashish Kumar @ Badal S/o- Shivnath Sahni Resident of village-Shahpur
Khurd PS- Kathara Goraul District-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shanti Bhushan Singh, Adv.

For the Opposite Party/s : Mr.Pramod Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-03-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Sakra P.S. Case No. 427 of 2024, registered for the offences under Sections 109 and 309(5) of the Bharatiya Nyaya Sanhita and Section 25(1-B)(a), 26, 35 and 37 of the Arms Act.

3. As per the prosecution case, three miscreants riding a motorcycle overtook the motorcycle of the informant and threatening him with a pistol, tried to snatch his chain. When the wife of the informant opposed, she was slapped by the miscreants and one of them fired upon the informant and this shot missed the informant however, this missed shot hit another miscreant and the miscreants tried to flee away taking with them



the injured associate. A loaded pistol left behind by the miscreants was seized by the police.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has no involvement in the occurrence and as the petitioner was having antecedent he shifted to Delhi for being remanded in other cases. While the petitioner returned to his home on occasion of some festival, he was taken to Muzaffarpur by one Amarjeet Kumar who under a conspiracy took him to a secluded place where the present informant fired upon him but he was somehow saved after being taken to the hospital. Earlier the father of the petitioner has filed Goraul P.S. Case No. 360 of 2015 against the said Amarjeet Kumar and the said case is pending before the POCSO Court, Hajipur. As the case was not being compromised by the family of the petitioner, Amarjeet Kumar hatched the present conspiracy. Father of the petitioner filed Complaint Case No. 3960 of 2024 against Amarjeet Kumar and the present informant, Ravi Kumar. Learned counsel further submits that petitioner was caught in conscious condition near a hospital and it creates doubt over the prosecution story that a person being shot could go so far. Learned counsel



further submits that the name of the petitioner transpired during investigation for being involved in the occurrence as the person who received the gun shot injury. The petitioner is in custody since 25.09.2024 and he antecedent of six cases. Charge sheet has been submitted.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the submission of charge sheet and period of custody of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-XV, Muzaffarpur East/concerned court, in connection with Sakra P.S. Case No. 427 of 2024, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court



below, if so required by the learned trial court.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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