

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84321 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- MASAUDHI District- Patna

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Gorakh Yadav @ Dharmveer @ Gorakh @ Gorakh Kumar @ Dharmveer
Kumar S/o Suresh Yadav R/o vill - Khajama, P.S. - Masaurhi, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Sinha, Advocate
For the State	:	Dr. Ajeet Kumar, APP
For the Informant	:	Mr. Shyam Kishore, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 14-02-2025

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Masaurhi P.S. Case no.4 of 2024 registered under sections 307, 341, 323, 504, 506 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that over a dispute between the parties, it is stated that the petitioner fired from his pistol hitting the informant on the right side of his chest. He was taken to the hospital for treatment.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. There is case and counter case between the parties, the correct version having been narrated in the counter case lodged by the wife of the



petitioner. The petitioner was also injured. It is further submitted that there is an unexplained delay of 35 days in lodging of the FIR and as per instructions received, chargesheet has been submitted in the Court below without any injury report. The doctor has not been named as a chargesheet witness. The petitioner has remained in custody since 26.5.2024 and undertakes to cooperate in the trial.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that not only the petitioner is named in the FIR but there is direct allegation against him of having fired from his pistol causing firearm injury on the chest of the informant. The allegations are supported from the contents of the injury report which is available in the case diary. It is further submitted that the informant was undergoing treatment from 24.10.2023 to 30.11.2023 which explains the delay in lodging of the FIR. It is further submitted that as per instructions received, the trial has commenced and the informant would be producing the witnesses without any delay.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 23.1.2025, the case is pending for examination of prosecution witnesses



and there are five prosecution witnesses named in the chargesheet.

7. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the FIR, the material that has transpired in course of investigation including the contents of the injury report and the trial having commenced in the learned trial Court, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

8. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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