

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87340 of 2024

Arising Out of PS. Case No.-237 Year-2024 Thana- JANDAHA District- Vaishali

Ashutosh Kumar S/O Lt. Rakesh Kumar Singh Resident of Village -
Mathurapur, P.S- Jandaha, Dist- Vaishali at Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachin Kumar
For the Opposite Party/s : Mr. Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-01-2025 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Jandaha Police Station Case No. 237 of 2024,
disclosing offences under Sections 109, 3(5) of the BNS and
Section 27 of the Arms Act.

3. As per the FIR, on 21.07.2024, while the informant
was going towards a Global Spirit Co. and no sooner than he
arrived at Mushar Tola, the petitioner who was riding
motorcycle with unknown person fired upon the informant due
to which the bullet hit near the right shoulder. It has also been
alleged that earlier also, the petitioner had assaulted and
threatened to kill the informant and in order to pressurize him to
enter into compromise in Jandaha P.S. Case No. 11 of 2021, the



present offence has been committed.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to previous dispute between the parties. The petitioner is a co-villager of the informant and his uncle had lodged Jandaha P.S. Case No. 12 of 2021 and Jandaha P.S. Case No. 03 of 2021 against the informant and others alleging loot of his shop. Referring to the injury report, learned counsel submits that the injury caused to the informant is simple in nature caused by hard and blunt substance and the doctor has not given the opinion that it has caused due to burn and/or firearm injury. The bullet and blood soaked t-shirt was not collected by the police from the place of occurrence but after three days of the occurrence, the same was produced by the informant to the police on 24.07.2024 which would be evident from the seizure list.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are co-villagers, there is previous enmity between them and the injury caused to the informant is simple in nature, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.



7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Vaishali at Hajipur, in connection with Jandaha Police Station Case No. 237 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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