

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88104 of 2024

Arising Out of PS. Case No.-691 Year-2024 Thana- BHABHUA District- Kaimur (Bhabua)

Om Prakash Pandey @ Tahalu Pandey Son of Dau Pandey Resident of
Village- Khanaw PS Bhabua District Kaimur Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

6 08-04-2025 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 126(2), 109, 3(5) of the BNSS and Section 27 of the Arms Act.

3. The case of the prosecution is that the petitioner has fired from back at the informant. It is also alleged that one another also fired at him but he could only identify the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. He also submits that the occurrence is of 06.08.2024 and the case has been filed on 01.09.2024 i.e., there is delay of twenty five days, which is not



explained. From perusal of the FIR, it is clear that the informant was rushed to hospital by the police despite that he has not given information to the police regarding the occurrence. From perusal of the injury report, it transpires that the informant has received one entry and one exit wound, whereas from perusal of the FIR, it is clear that he has alleged that two persons fired at him. A Supplementary injury report is also there, and from perusal of which, it transpires that the informant has received Right Hemopneumothorax with Right Anterior 6th Rib Fracture with Left Distal Humerus and left Olecranon Fracture with Open wound at Right Gluteal Region following firearm injury. It is also submitted that that injury which has been shown in first injury does not co-relate with the supplementary report, moreover, there is only one fire made by the petitioner. It is further submitted that the petitioner is languishing in judicial custody since 11.10.2024.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submits that the petitioner is having criminal antecedent of seven cases and that he is a habitual offender.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is



inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Bhabua P.S. Case No. 691 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Kaimur, Bhabua.

(Ashok Kumar Pandey, J)

Sudhanshu/-

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