

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39405 of 2022

Arising Out of PS. Case No.-113 Year-2020 Thana- CHANDRADIP District- Jamui

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Bablu Kumar @ Bablu Yadav Son of Nepali Yadav Resident of Village -
Islam Nagar, P.s.- Chandradeep , Distt.- Jamui.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate

For the Opposite Party/s : Mrs. Renuka Ratnakar, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 30-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks regular bail in connection with
Chandradeep P.S. Case No. 113 of 2020 registered for the
offences punishable under Sections 341, 307 and 34 of the
Indian Penal Code and 27 of the Arms Act.

As per the prosecution, the informant alleged that this
petitioner opened fire at the informant, causing fire-arm injury
at his stomach, thereafter other co-accused persons caused fire-
arm injury at his leg and fled from the alleged place.

The main submissions advanced by the learned counsel

Mr. Rajesh Kumar Sinha, appearing for the petitioner are that in the FIR no motive on the part of the petitioner to attack the informant has been assigned or mentioned and there was no reason for the petitioner to cause fire-arm injury to the informant and he has been languishing in jail since 04.04.2022. Further submission is that the alleged incident is stated to have been taken place on 04.08.2020 but the FIR was lodged on 19.08.2022 after inordinate delay which was not explained in the FIR.

Learned APP Mrs. Renuka Ratnakar, appearing for the State has opposed the prayer for bail.

Heard both the sides and perused the FIR and the case diary of this case. In the FIR there is a serious and specific allegation against the petitioner and he allegedly caused fire-arm injury at the abdomen of the informant and as per the FIR the petitioner and co-accused persons attacked at the informant when he was returning to his home and the manner of occurrence mentioned in the FIR shows that the said attack was pre-planned and after the petitioner's firing the co-accused Vinod Yadav also fired at the informant. The injury report of the informant is available in the case diary, though the final opinion has not been given by the doctor concerned but it is clear that

two gun shot wounds are present on the body of the informant in which one injury found at the abdomen of the informant is corroborative to the allegation made against the petitioner in the FIR. Considering the nature of allegation appearing against the petitioner, in the opinion of this Court it is not a fit case for grant of bail to the petitioner. Accordingly, his prayer for bail stands rejected.

Petitioner may renew his bail prayer after the examination of informant in his trial or he also may renew his bail prayer after one year, if no significant progress is made in his trial by the prosecution.

(Shailendra Singh, J.)

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