

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.41330 of 2014**

Arising Out of PS.Case No. -49 Year- 2014 Thana -SAUR BAZAR District- SAHARSA

- =====
1. Balgovind Sah Son of Amlesh Sah
  2. Malhu Sah Son of Belo Sah Both residents of Village : Bhaddikala, P.S. Saur Bazar (Patarghat O.P.) , District - Saharsa.

.... .... Petitioners

Versus

1. The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioners : Mr. Sameer Ranjan  
For the Opposite Party : Mr. Nagendra Prasad (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

3      23-01-2015      Petitioners are languishing in custody since 21.07.2014 in a case registered for the offences punishable under Sections 147, 148, 149, 302, 447 of the I.P.C and Section 27 of the Arms Act.

In the F.I.R, it is alleged that the petitioners dragged the husband of the informant and caused two fire arm injuries. One shot was fired by each petitioner.

It is submitted by learned counsel for the petitioners that inquest report reflects two injuries. Hence the accusation was levelled that two injuries were caused as one shot fired by each petitioner. The postmortem reflects one injury. The prosecution realizing the said mistake during investigation after verifying from postmortem report changed its stand hence witnesses suggested that these petitioners caught hold of the victim and Bajo Sah @ Braj Kishor Sah shot at the

victim. This fact has not been controverted by learned A.P.P after going through the case diary. It is further submitted that Bajo Sah @ Braj Kishore Sah has been granted bail vide Cr. Misc. No. 17098 of 2014.

A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

Considering the inconsistencies between the accusation levelled in the F.I.R and the postmortem report and the statements of the witnesses collected during investigation, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saur Bazar(Patarghat O.P.) P.S. Case No. 49 of 2014.

**(Dinesh Kumar Singh, J)**

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