

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47148 of 2016

Arising Out of PS.Case No. -232 Year- 2016 Thana -DUMRAUN District- BUXAR

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1. Dharmveer Rai @ Sangram Rai
2. Dhananjai Rai @ Rana Rai, both sons of Late Ranglal Rai.
..... Petitioners

Versus

The State of Bihar

..... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh
For the Opposite Party/s : Mr. Vinod Shankar Modi

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 27-10-2016 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 302 and other allied sections of the Indian Penal Code and Section 27 of the Arms Act.

Petitioners are named in the first information report and it is alleged that at the time of alleged occurrence, petitioner no. 1 was carrying lathi whereas petitioner no. 2 was carrying double barrel gun. However, the first information report goes to show that F.I.R. named accused, Harendra Rai opened fire on the informant but informant fortunately escaped unhurt and thereafter, F.I.R. named accused, Nilesh @ Kakhnu opened fire of pistol causing firearm injury to Mritunjay, who died then and there.

Submission on behalf of the petitioners is that the

alleged occurrence is said to have taken place on account of land dispute and even if the prosecution story assumed to be true, then also, petitioners are only a member of unlawful assembly.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that petitioners do not have any criminal antecedent, let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Buxar in connection with Dumraon (Naya Bhojpur O.P.) P.S. Case No. 232 of 2016.

(Hemant Kumar Srivastava, J)

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