

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29496 of 2016

Arising Out of PS.Case No. -305 Year- 2016 Thana -SASARAM NAGAR District- SASARAM
(ROHTAS)

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1. Shankar Choudhary S/o Late Ganga Chaudhary
2. Bhaiya Lal Choudhary, S/o Shankar Chaudhary. Both are resident of
Mohalla- Karansarai, Ward No. 14, P.S- Sasaram Town, District- Rohtas.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Krishna Prasad Singh, Sr. Advocate.

For the Opposite Party : Mr. Indra Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 29-09-2016 Heard both sides.

The petitioners apprehend their arrest in Sasaram (T)
P.S. Case No. 305 of 2016 registered for the offences punishable
under Sections 307, 324, 326 and 34 of the Indian Penal Code and
under Section 27 of the Arms Act.

The informant alleged that at about 8:00 in the night,
when he was urinating two persons came and fired at him which
hit on his back, but he did not identify those persons, who fled
away on a motorcycle towards Adda road. The informant further
alleged that the petitioners had threatened the informant on the
same day in the morning in the premises of civil court, Sasaram
where Title Suit No. 1149 of 2013 is pending. The informant

suspected that the petitioners in collusion with others might have fired on him.

Learned counsel for the petitioners submits that there is no evidence to show that the petitioners made fire. None of the witness disclosed the name of the petitioners. On mere suspicion the informant named the petitioners and the investigating officer did not collect any tangible evidence.

Considering the facts aforesaid and the fact that the petitioners had threatened the informant to take revenge but neither the informant nor any witness identified the petitioners or any other accused, who fired, and save and except suspicion there appears no tangible evidence collected during the course of investigation, the petitioners above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Rohtas at Sasaram in Sasaram (T) P.S. Case No. 305 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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