

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4222 of 2018

Arising Out of PS.Case No. -102 Year- 2016 Thana -SONO District- JAMUI

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1. Sonu Mishra Son of Moti Mishra.
2. Amit Rai Son of Krishna Rai, Both Resident of Village-Sono, P.S.-Sono,
District-Jamui.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bharat Lal

For the Opposite Party/s : Mr. Sri Satyavarat Verma

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 01-02-2018 Heard the learned counsels for the petitionerS and
the State.

The petitioners seek bail in anticipation of their arrest
in connection with Sono P.S. Case No. 102 of 2016 dated
19.07.2016 instituted for the offences under Sections 341, 323,
307, 504, 506/34 of the Indian Penal Code and Section 27 of the
Arms Act.

The elder brother of the informant was abused in the
morning and thereafter three of the accused persons named in the
FIR (not the petitioners) came to the house of the informant and
on the orders of one Satendra Rai, his son Rishi Raj fired from his
weapon aiming at the informant, but it did not hit him. He is then
said to have fired again which hit the informant near his navel.



The petitioners have not been named in the FIR. Even in the protest petition which was filed by the informant complaining about the tardy progress of the investigation, the petitioners have not been named. The name of the petitioners has transpired only in the supplementary case diary in paragraph 18 of the case diary.

Learned counsel for the petitioners has submitted that the informant in his FIR has categorically stated the name of Rishi Raj as having opened fire and has also stated that the act of firing was witnessed by most of the persons present in his house. In that view of the matter, if the petitioners would have been present at the place of occurrence, they would surely have been named in the FIR or immediately thereafter. Their having been named after five months of the occurrence creates doubt in the prosecution version.

The petitioners do not have any criminal antecedent.

Considering the aforesaid facts the petitioners above named are directed to be released, 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, on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1, Jamui in



connection with Sono P.S. Case No. 102 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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