

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2584 of 2019

Arising Out of PS. Case No.-304 Year-2018 Thana- DINARA District- Rohtas

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1. Gobardhan Yadav @ Goverdhan Yadav and Anr Late Dharikishan Yadav
Village - Patakkhauliya
 2. Dayal Yadav @ Ram Dayal Yadav Late Suraj Yadav Village - Semaridih

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Om Prakash Upadhyay
For the Opposite Party/s : Mr.Ashraf Ansari

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

4 28-03-2019 Heard learned counsel for the petitioners as

well as learned Additional Public Prosecutor for the

State.

Petitioners are in jail custody since 15.10.2018
in connection with Dinara P.S.Case No. 304 of 2018
registered for the offences punishable under Sections
307/34 of the Indian Penal Code and 27 of the Arms
Act.

Petitioners and one other are said to have
opened fire on injured Promod Kumar Roy, whose
statement was recorded at Para -49 of the case diary on



13.09.2018 and in that statement injured Promod Kumar Roy claimed that petitioner no. 1 opened fire which hit on his hand whereas petitioner no. 2 opened fire which hit on his abdomen and thigh. The injury report of the injured corroborates the aforesaid allegation.

Submission on behalf of the petitioners is that according to the prosecution case itself, the alleged occurrence took place at 9.p.m and at the time of alleged occurrence there was complete dark. He further submits that Para-49 of the case diary goes to show that injured claimed to have identified the petitioners in the light of torch but it was not possible to identify in the light of torch. He further submits that the reason of false implication of petitioners is due to previous enmity which is admitted in the written report of the informant itself.

On the other, learned counsel appearing for the informant opposed the prayer for bail submitting that there is specific allegation against the petitioners that they opened fire causing injury to the injured Promod



Kumar Roy.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also taking note of this fact that the investigation, of this case has already been completed, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Bikaramganj (Rohtas) in connection with Dinara P.S. Case No. 304 of 2018.

(Hemant Kumar Srivastava, J)

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