

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28840 of 2020

Arising Out of PS. Case No.-95 Year-2020 Thana- CHANDI District- Nalanda

1. TUNTUN RAM Son of Arjun Ram Resident of Village - Chainpur, P.S. - Chandi (Wena), District - Nalanda.
2. Lilami Devi @ Lilam Devi Wife of Tuntun Ram Resident of Village - Chainpur, P.S. - Chandi (Wena), District - Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyamal Prakash

For the Opposite Party/s : Mr. A. G.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 11-11-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel appearing for the petitioners and Shri Md. Iftikar Mahmood, learned A.P.P. for the State.

The petitioners seek regular bail in connection with Chandi (Wena) P.S. Case No. 95 of 2020 for the offence punishable under Sections 147, 148, 186, 188, 341, 323, 337, 353, 307, 504 and 506 of the Indian Penal Code.

The allegation is regarding altercation having taken place in between two groups and they are stated to have engaged in firing gun shots on each other resulting in some persons having



received gun shot injuries whereupon the police force had reached the alleged place of occurrence and had found that some people were engaging in stone pelting. It is further alleged that when the police force had requested the said persons, present at the alleged place of occurrence, to stop stone pelting then the said accused persons had engaged in stone pelting on the police force.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case, are having a clean antecedent and they are languishing in custody since 12.03.2020. It is further submitted by the learned counsel for the petitioner by referring to para-10 of the case dairy that admittedly neither the informant nor any member of the police party have received any sort of injury on account of stone pelting as alleged by the informant. It is further submitted that petitioners have got no complicity in the alleged occurrence.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the period of



incarceration of the petitioners herein as also the fact that they are having a clean antecedent, I deem it fit and proper to direct for release of the petitioners on regular bail.

Accordingly, the petitioners, above named, are directed to 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 Additional Chief Judicial Magistrate, Hilsa (Nalanda) in connection with Chandi (Wena) P.S. Case No. 95 of 2020.

(Mohit Kumar Shah, J)

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