

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17209 of 2021

Arising Out of PS. Case No.-181 Year-2020 Thana- DINARA District- Rohtas

1. Raju Nayan Upadhyay @ Rajeev Nayan Upadhyay, Male, aged about 37 years, S/O Late Rampravesh Upadhyay, Resident Of Village-Bhui, P.S. Dinara, District - Rohtas.
2. Brij Narayan Upadhyay, Male, aged about 35 years, S/O Ram Pravesh Upadhyay, Resident Of Village-Bhui, P.S. Dinara, District-Rohtas.
3. Krishna Nanda Upadhyay @ Krishna Nand Upadhyay, Male, aged about 30 years, S/O Late Ram Pravesh Upadhyay, Resident Of Village - Bhui, P.S. Dinara, District - Rohtas.
4. Kamanyan Upadhyay @ Kamal Kumar Upadhyay, Male, aged about 32 years, S/O Ram Dmesh Upadhyay, Resident Of Village - Bhui, P.S. Dinara, District - Rohtas.
5. Ankit Upadhyay @ Brajesh Upadhyay @ Ankit Kumar Upadhyay, Male, aged about 28 years, S/O Ram Dmesh Upadhyay Resident Of Village - Bhui, P.S. Dinara, District - Rohtas.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Dhaneshwar Prasad Gupta, Advocate.
For the Opposite Party	:	Mr. A.G

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-07-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioners and learned A.P.P. for the State through Virtual mode.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 341, 323, 307/34 of the I.P.C. and 27 of the Arms Act.



The prosecution story, in brief, is that on 08.07.2020, the informant was filling his land by the Tractor then all five accused persons came armed with the *Rifle* and *Bandook* and fired six round and he also received gun shot injury on his left and the Tractor also received one gun shot.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Nature of injury is said to be simple. No offence under Section 307 of the I.P.C. is made out.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned A.C.J.M.-I, Bikramganj, Rohtas, in connection with Dinara P.S. Case No. 181/2020, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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