

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26713 of 2021**

Arising Out of PS. Case No.-335 Year-2020 Thana- JAGDISHPUR District- Bhojpur

1. RAJESH SINGH S/o Late Satyanarayan Singh Resident of Village- Gyanpura, P.S.- Jagdishpur, District- Bhojpur
2. AWADHESH SINGH @ AWADHESH KUMAR S/o Rajesh Singh Resident of Village- Gyanpura, P.S.- Jagdishpur, District- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 08-12-2021 Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, all the accused persons including the two petitioners herein are stated to have come variously armed and it is stated that co-accused Shyam Bihari Singh fired from his gun injuring the uncle of the informant who died later in course of treatment.

It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. Even from perusal of the FIR it would transpire that the overt



act has been alleged solely against co-accused Shyam Bihari Singh and not the petitioners herein. The same would also be evident from perusal of the last paragraph of the order of the learned Court below wherein the learned Court below has dealt with the material that has transpired in course of investigation. The petitioners are in custody since 23.12.2020 and have no criminal antecedent.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the petitioners not being the assailant of the deceased together with the petitioners having remained in custody for more than 11 months, the Court directs the two petitioners to be enlarged on bail in connection with Jagdishpur P.S. Case no. 335 of 2020 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M -I, Bhojpur at Ara.

(Partha Sarthy, J)

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