

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35427 of 2020

Arising Out of PS. Case No.-279 Year-2019 Thana- DESARI District- Vaishali

1. ARUN RAI @ AMIT KUMAR, Son of Sri Rajendra Rai Resident of Village- Labapur Narayan, P.S.- Mahnar, District- Vaishali.
2. Vijay Rai @ Avinash Kumar Vijay, Son of Sri Rajendra Rai Resident of Village- Labapur Narayan, P.S.- Mahnar, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 25-03-2021 Heard Mr. Sunil Kumar Singh, learned counsel

for the petitioners and Mr. Narsingh Tanti, learned APP

for the State.

The petitioners, who are brothers, seek bail in anticipation of their arrest in connection with Desari (Sahadei O.P.) P. S. Case No. 279 of 2019, dated 12.08.2019, instituted for the offences under Sections 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act, 1959.

The accusation in the F.I.R. is that on the exhortation of Arun Rai (petitioner no. 1), Vijay Rai is



said to have fired at the son of the informant leading to injuries to him.

The learned counsel for the petitioners has submitted that there is a land dispute between the parties and a Title Suit also is pending.

Apart from this, it has been submitted that even though there is an allegation of firing from a weapon against Vijay Rai (petitioner no. 2) but there is no injury report on record.

It is precisely for this reason, it has been argued, that even in the impugned order, there is no reference of any gun shot injury on the victim who is the son of the informant.

The F.I.R. appears to have been lodged after two days of the occurrence.

Considering the afore-mentioned facts, the petitioners, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date



of receipt / production of a copy of this order, on their
furnishing bail bonds in the sum of Rs. 10,000 /- (Ten
Thousand) each with two sureties of the like amount
each to the satisfaction of the learned Chief Judicial
Magistrate, Vaishali at Hajipur, in connection with Desari
(Sahadei O.P.) P. S. Case No. 279 of 2019,, subject to
the conditions as laid down under Section 438 (2)
Cr.P.C.

The order shall be passed by the court below
only on confirmation of the fact that there is no injury
report on record.

The petition stands disposed off.

(Ashutosh Kumar, J)

skm/-

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