

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5076 of 2021

Arising Out of PS. Case No.-1 Year-2020 Thana- SAHPUR District- Patna

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1. Jugeshwar Prasad @ Jugeshwar Rai, aged about 55 years, male, Son of Late Shital Rai.
 2. Radhika Devi, aged about 46 years, female, Wife of Jugeshwar Prasad @ Jugeshwar Rai.
- Both are resident of Village - Sarai, P.S. - Shahpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nand Kishore Prasad, Adv.

For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 10-09-2021 Heard Mr. Nand Kishore Prasad, the learned Advocate for the petitioners and Mr. Aslam Ansari, the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Shahpur P.S. Case No. 01 of 2020, dated 01.01.2020, instituted for the offences under Sections 341, 323, 307, 120(B) and 354 of the Indian Penal Code



and Section 27 of the Arms Act.

The accusation in the F.I.R. is that the informant was fired at while she had gone to defecate by one Lalu Kumar, as a result of which she got injured below her knees. It has further been alleged that the parents (the petitioners) of aforesaid Lalu Kumar are also behind the occurrence as there is a land dispute going on between the families.

It has been submitted on behalf of the petitioners that merely because their son has fired upon the informant, they cannot be made accused in this case. It becomes very clear from the averments made in the F.I.R. that there is a dispute between the families with respect to property and precisely for that reason, the petitioners have been made accused in this case. It has further been submitted that no overt act has been attributed against the petitioners and it is the guesswork of the informant that they were also behind the occurrence.

Regard being had to the facts afore-stated, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of



eight weeks, are directed to be released on bail on their
furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees
Ten Thousand) each with two sureties of the like amount
each to the satisfaction of learned 1st Addl. Chief Judicial
Magistrate, Danapur, Patna in connection with Shahpur P.S.
Case No. 01 of 2020, subject to the conditions laid down
under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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