

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7524 of 2021

Arising Out of PS. Case No.-11 Year-2020 Thana- BELHAR District- Banka

1. PANKAJ CHOUDHARY S/O PRAMODCHOUDHARY RESIDENT OF VILLAGE BAJARTAR KHESAR P.S BELHAR KESAR, DISTRICT-BANKA.
2. ASHUTOSH CHOUDHARY @ KAILU CHOUDHARY S/O PRAMOD CHOUDHARY RESIDENT OF VILLAGE BAJARTAR KHESAR P.S BELHAR KESAR, DISTRICT-BANKA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pankaj Kumar, Adv.
		Mr.Kamlesh Kumar Pathak, Adv.
For the Opposite Party/s	:	Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 13-09-2021 Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual court proceeding.

The petitioners seek bail in connection with Belhar (Khesar) P.S. Case No.11 of 2020, registered for the offence punishable under Sections 307/34 of the Indian Penal Code along with section 27 of the Arms Act.

The prosecution case in short is that on 07.01.2020, while the informant was going to Khesar on motorcycle, these petitioners along with one unknown miscreant having pistol in their hands obstructed him and the unknown person intercepted his motorcycle and started abusing. On protest, he fired on the



informant but he saved himself. It is further alleged that petitioner no.1 fired on the informant which hit his ear-pit and petitioner no.2 also fired which hit left thigh of the informant. On hearing the sound of firing, police reached there and took him to the hospital.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have not committed any offence as alleged in the FIR. No offence as alleged has ever taken place. They have been falsely implicated in this case due to previous enmity with respect to land dispute between both the parties and therefore, informant swayed in influence of ill motivated persons lodged this false and frivolous case against the petitioners. Father of the petitioners filed a Title suit No.158 of 2017 and Misc. Case No.23 of 2019 against the informant earlier before this occurrence with regard to land dispute. These petitioners were not present at the place of occurrence at the alleged day. The petitioners have no criminal antecedent and have been languishing in custody since 10.10.2020.

Learned APP for the State opposed the prayer for bail by submitting that there is direct allegation against these petitioners to fire upon the informant.

Considering the facts and circumstances of this case, it is



admitted that there is land dispute between the parties and petitioner are in custody for more than eleven months, as such, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka, in connection with Belhar (Khesar) P.S. Case No.11 of 2020.

(Anjani Kumar Sharan, J)

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