

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8325 of 2021

Arising Out of PS. Case No.-103 Year-2020 Thana- BIBHUTIPUR District- Samastipur

1. SIYA RAM RAI, Son of Kuldeep Rai @ Kuldip Rai, Resident of Village-Kapan, P.S.- Bibhutipur, Distt- Samastipur.
2. Sonu Kumar @ Sonu Kumar Rai Son of Dinesh Rai Resident of Village-Kapan, P.S.- Bibhutipur, Distt- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Tiwari, Advocate
For the State	:	Mr. Satyadeo Singh Yadav, APP
For the Informant	:	Mr. Anshudhar Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

4 20-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 307, 34 and 447 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, it is stated that the six named accused persons including the two petitioners herein came variously armed and started to abuse the informant and others. Yogendra Rai @ Bhukhal Rai fired on the informant, Dinesh Rai and the petitioner no.1 fired on Arun Kumar Jha and three other accused persons including the petitioner no.2 fired



injuring Gaurav Kumar and Mina Devi.

It is submitted by learned counsel for the petitioners that the allegations as levelled in the FIR are false and incorrect. The petitioners have been falsely implicated in the case. The allegations are general and omnibus in nature. The injury has been found to be simple in nature. The petitioners are in custody since 15.9.2020 and have no criminal antecedent. Chargesheet has been submitted in the case.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the two petitioners are named in the FIR but there is direct and specific allegation against the petitioner no.1 who fired on Arun Kumar Jha and on the petitioner no.2 along with others of having fired on Gaurav Kumar and Mina Devi. The allegations are supported from the injury reports.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the petitioners having remained in custody since 15.9.2021 ie for more than one year and chargesheet having been submitted in the case, the petitioners are directed to be enlarged on bail in connection with Bibhutipur P.S. Case no. 103



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 Additional Chief Judicial
Magistrate, Rosera.

(Partha Sarthy, J)

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