

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2157 of 2022

Arising Out of PS. Case No.-103 Year-2014 Thana- CHAUTHAM District- Khagaria

1. SANJAY GUPTA @ KHAGENDRA GUPTA @ SANJAY KUMAR S/o Sadhu Sah R/o Mohalla- Dhutauli, Ward No. 19, P.S.- Dhutauli District- Khagaria.
2. Divakar Kumar @ Divakar Kumar Gupta S/o Subhash Sah R/o Village- Dhutauli, P.S.- Chautham, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. NK Agrawal, Sr. Advocate and Mr. Vikram Singh, Advocate
For the Opposite Party/s :		Mr. Addl Public Prosecutor
For the informant		Mr. Bishwajeet Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-07-2022 Heard learned counsel for the petitioners, the State and the informant.

Petitioners apprehend their arrest in a case registered for the offence punishable under Section 302 and other allied sections of the Indian Penal Code and section 27 of the Arms Act.

As per the FIR, nine named persons including the petitioners and four unknown persons came to the doors of the informant. Thereafter, on the order of co-accused Binda Devi, co-accused Sintu Kumar Sah shot at head, co-accused Pintu



Kumar shot at chest, whereas co-accused Mithun Kumar Sah shot at left leg of the husband of the informant. Co-accused Sikandar Sah shot at neck of the husband of the informant and thereafter all the accused persons fled away.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case due to village politics. Specific allegation of firing is against other accused persons. There is general and omnibus allegation of assault against these petitioners and no specific overt act has been alleged against them. Police after investigation submitted final form but the Court below differing with the same took cognizance of the offence against the petitioners. Petitioners have got no criminal antecedent.

Learned counsel appearing for the State as well as the informant oppose the prayer for bail.

Considering the nature of allegation against the petitioners, in the event of arrest/surrender within six weeks from today, let the petitioners, named above, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate 1st class, Khagaria in Chautham Police Station Case No. 103 of 2014, subject to the conditions laid



down under sections 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

shashi/-

U		T	
---	--	---	--

