

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20377 of 2022

Arising Out of PS. Case No.-267 Year-2021 Thana- BOCHAHAN District- Muzaffarpur

1. NAVIN KUMAR Son of Upendra Kumar Chaudhary R/o village - Hathiyahi, P.S.- Pipra Kothi, District - East Champaran
2. Anil Kumar Son of Yogendra Prasad R/o village - Hathiyahi, P.S.- Pipra Kothi, District - East Champaran
3. Vikram Kumar @ Vikram Kumar Sahni Son of Ramshrestha Sahni R/o village - Karanpur Uttari, Bochahan, P.S.- Bochahan, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh
For the Opposite Party/s : Mr.Suresh Pd. Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 10-08-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners and the State.

Petitioners seek regular bail in a case registered for the offences punishable under Sections 307, 506, 120B and other allied sections of the Indian Penal Code as well as section 27 of the Arms Act.

As per allegation, supporters of ex-Mukhiya Ramshresta Sahni and supporters of the present Mukhiya Baby Patel of Karnpur Uttari Panchayat exchanged firings against each other and during that course on interrogation made by the police, it came to light that son



of Ramshresta Sahni, namely, accused Arbind Kumar Sahni fired shot on Indrajeet Kumar, petitioners and other accused persons were with him at that time and he also revealed names of some co-accused persons being indulged in the occurrence and in the alleged firing two persons from informant's side and one person from accused side sustained firearm injury.

The main submissions advanced by Sri Krishna Kant Singh, the learned counsel appearing for the petitioners are that there is no allegation against petitioner nos. 1 and 2 in the FIR and they were simply arrayed as accused persons in the last portion of the FIR and any role of them in the alleged occurrence has not been revealed either by the informant or so-called injured. Though there is allegation against petitioner no.3 but he is simply present along with co-accused Arvind Kumar Sahni who is carrying specific allegation of firing and any specific overt-act against petitioner no.3 has not been assigned in the FIR. Further submission is that all petitioners have clean antecedent and are languishing in jail since 22.10.2021.

Learned APP Sri Suresh Pd. Singh, has opposed the prayer for bail.

Having considered the above submissions, their custody period, clean antecedent of the petitioners and mainly taking into account the fact that any specific role or overt-act of the petitioners in committing the alleged occurrence of firing has not been revealed by the informant in the FIR, in the opinion of this Court petitioners



deserve privilege of bail. Let the petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Hemant Kumar, Judicial Magistrate, Ist Class, Muzaffarpur (East)/ concerned court in Bochahan P.S Case No. 267 of 2021 on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioners who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

s.hassan/-

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

