

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21290 of 2022

Arising Out of PS. Case No.-169 Year-2021 Thana- BAHADURPUR District- Patna

1. Gopi Paswan @ Deepak Kumar S/o Kanahi Paswan R/o Mohalla- Rampur, P.S.- Bahadurpur, Distt.- Patna
2. Binod Kumar s/o jitendra ram r/o sahganj, p.s.- Sultanganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-09-2022 Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Bahadurpur P.S. Case No. 169 of 2021 registered for the offence under Sections 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioners are named in the F.I.R., where petitioner no. 1 is in custody since 03.08.2021 and petitioner no.2 is in custody since 04.08.2021.

The allegation against the petitioners is to open fire, where petitioners also received fire arm injury and informant,



who is the sub inspector of the area, seized two empty cartridges from the alleged place of occurrence.

Learned counsel appearing on behalf of the petitioners submitted that this is a case, where informant is not the injured and, apparently, as per F.I.R., the two empty cartridges were recovered from the place of occurrence, the present case u/s 307 was lodged against this petitioner. It is submitted that petitioners alleged to receive fire arm injury in the present occurrence. It is also submitted that the entire allegation is based upon suspicion. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that informant is not the eye witness of the occurrence.

In view of the facts and circumstances, as mentioned above, as informant is not the eye witness of the occurrence, where entire allegation is based upon suspicion, as two empty cartridges were recovered from the place of occurrence coupled with the fact that chargesheet has already been submitted, let both the petitioner, above named, are



directed to be released on bail in connection with Bahadurpur P.S. Case No. 169 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class, Patna City/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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