

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33315 of 2021

Arising Out of PS. Case No.-483 Year-2020 Thana- KHAGARIA District- Khagaria

1. PAPPU CHAUDHARY @ MUKESH KUMAR Son of Ram Bahadur Chaudhary Resident of Village - Rahimpur Charkhutti, P.S.- Muffasil, District - Khagaria
2. Amrendra Chaudhary Son of Nunu Babu Chaudhary Resident of Village - Rahimpur Charkhutti, P.S.- Muffasil, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 12-04-2022 Heard learned counsel for the petitioners and the State.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

At the outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner No. 1 as during pendency of this application, he is said to have died. Hence the present application with regard to petitioner No. 1 has become infructuous.

Permission is granted.

Accordingly, this application with regard to petitioner



No. 1 is dismissed as infructuous.

The petitioner No. 2 is apprehending his arrest in Khagaria (Muffasil) P.S. Case No. 483 of 2020 registered under Sections 147, 148, 149, 341, 323, 325, 307, 385, 504 of the Indian Penal Code and 27 of the Arms Act.

Allegation against the accused persons including the petitioners is that they fired upon the informant, as a result of which, the informant sustained fire-arm injury.

It has been submitted on behalf of the petitioner No. 2 that he has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against him. The petitioner No. 2 is alleged to have fired but the same did not hit anyone. The said occurrence is said to have taken place on 29-06-2020 and the case was instituted on 07-07-2020. The delay in instituting the FIR has not been explained by the prosecution.

On behalf of the State, it is submitted that the petitioner No. 2 is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner No. 2, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of Simmi Kujur, learned Judicial Magistrate-Ist Class, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 483 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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