

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45834 of 2022

Arising Out of PS. Case No.-38 Year-2022 Thana- BALIYA District- Begusarai

1. Amresh Kumar @ Girdhari Son Of Bhagirath Singh R/O Village- Rahatpur, P.S.- Ballia, District- Begusarai
2. Rakesh Kumar Son Of Surendra Singh R/O Village- Rahatpur, P.S.- Ballia, District- Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvan Kumar, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 09-12-2022 The case is heard through video conferencing.

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 learned APP for the State.

Petitioners seek regular bail in connection with Ballia P.S. Case No. 38 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 352, 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution, this petitioner was alleged to have assaulted the informant along with other co-accused



persons after the informant was shot by other co-accused persons.

The main submissions advanced by the learned counsel Mr. Sarvan Kumar for the petitioners are that the allegation of firing is against co-accused persons namely Murari Kumar and Rupesh Kumar and the allegation made against the petitioners in the FIR is general and omnibus and one co-accused namely Surendra Singh has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 36107 of 2022 and the petitioners have fair and clean antecedent and have been languishing in jail since 30.06.2022.

Learned APP Mr. Raj Ballabh Singh appearing for the State and learned counsel for the informant have vehemently opposed the bail prayer of the petitioners and submitted that the petitioners and two co-accused persons kept assaulting the informant till he became unconscious and against the petitioners there is also a serious allegation.

Heard both the sides and perused the FIR. As per the allegation made in the FIR two co-accused persons namely Murari Kumar and Rupesh Kumar fired at the informant and the injury report of the informant filed as Annexure-2 shows only two injuries on his person which have been opined to be simple



in nature and caused by fire-arms and both the injuries were attributed against the co-accused persons but the allegation made against the petitioners is of assaulting the informant which does not get corroboration from the said injury report and moreover the informant's injuries have been opined to be simple in nature and one co-accused mentioned above has been granted bail by a co-ordinate Bench of this Court vide order passed in above-mentioned Cr. Misc. Case. In the light of these facts a lenient approach can be taken in respect of the petitioners' prayer, 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 the concerned Court in connection with Ballia P.S. Case No. 38 of 2022.

(Shailendra Singh, J.)

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