

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49964 of 2022

Arising Out of PS. Case No.-113 Year-2022 Thana- ARA MUFFASIL District- Bhojpur

1. ROHIT KUMAR SINGH S/O RAJ KUMAR SINGH Resident of Village- Mathwaliya, P.S.- Ara Muffasil, District- Bhojpur.
2. AMAN KUMAR S/O AJAY PRASAD Resident of Village- Mathwaliya, P.S.- Ara Muffasil, District- Bhojpur.
3. PRIT KUMAR @ PRIT RAJ S/O SUNIL KUMAR SINGH Resident of Village- Mathwaliya, P.S.- Ara Muffasil, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dineshwar Mishra, Advocate
For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-12-2022 Heard the learned counsel for the petitioners and the
learned APP for the State.

The petitioners seek regular bail in connection with Ara Muffasil PS case no. 113 of 2022 instituted for the offences punishable under Sections 341, 324, 307, 504, 506/34 of Indian Penal Code and Section 27 of Arms Act.

The case of the prosecution in brief is that on 12.02.2022 at about 9 am, while the informant was going to fetch his brother, the accused persons including the petitioners herein, had arrived at the place of occurrence on two motorcycles and blocked his way, whereafter, the co-accused



person namely Ritik Kumar is stated to have fired from his countrymade pistol in the air. It is further alleged that subsequently, when the informant tried to escape from the place of occurrence, the co-accused person namely Ritik Kumar again fired at the informant, hitting him on the back side of his right leg knee. However, as far as the petitioners are concerned, there is no allegation of them having engaged in any sort of overt act.

The learned counsel for the petitioners submits that the petitioners are innocent, have been falsely implicated in the present case and are languishing in custody since 16.06.2022. The learned counsel for the petitioners has further submitted that a bare perusal of the fardbeyan would show that as far as the petitioners are concerned, there is no allegation of them having engaged in any sort of overt act. It is also submitted that as far as the co-accused person namely Ritik Kumar is concerned, who is the main accused in the present case, he has already been granted bail on account of him being declared a juvenile.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel



for the parties and taking into account the materials available on record as also considering the fact that the petitioners have not been alleged to have engaged in any sort of overt act, are having clean antecedent and are languishing in custody since 16.06.2022, I deem it fit and appropriate to admit the petitioners to the privilege of bail.

Accordingly, the abovenamed petitioners are directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate VIIth at Ara in connection with Ara Muffasil PS case no. 113 of 2022.

(Mohit Kumar Shah, J)

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