

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9320 of 2023

Arising Out of PS. Case No.-322 Year-2022 Thana- RUPASPUR District- Patna

1. SHIV KUMAR @ SHANKER YADAV @ SHANKAR RAY SON OF LATE HARI NANDAN YADAV @ HARINANDAN RAY R/O VILLAGE- HARIDASPUR, P.S.- RUPASPUR AND DISTRICT- PATNA
2. VIKKI KUMAR @ VIKKY YADAV SON OF SHANKER YADAV R/O VILLAGE- HARIDASPUR, P.S.- RUPASPUR AND DISTRICT- PATNA
3. REYANSH KUMAR @ SHUBHAM KUMAR SON OF LAKESHPAN MAHTO @ LAKSHMAN MAHTO R/O VILLAGE- HARIDASPUR, P.S.- RUPASPUR AND DISTRICT- PATNA

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary
For the Opposite Party/s : Mr. Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-04-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 307 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

All the F.I.R. named accused persons including these petitioners in furtherance of their common intention armed with deadly weapons are said to have assaulted the informant. Co-accused Vikash Yadav and Ritik Yadav resorted firing upon him but anyhow he saved him.



It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. There is specific allegation against one Vikash yadav and Ritik Yadav who fired upon the informant which hit in his finger. So far allegation made against these petitioners is concerned, they also fired but the same did not hit him. Hence, no offence under Section 307 of the IPC is made out against these petitioners. Both sides have filed cases against each other. The injury sustained by the victim is simple in nature. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Rupaspur P.S. Case No.322 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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