

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10812 of 2023

Arising Out of PS. Case No.-617 Year-2022 Thana- MALSALAMI District- Patna

1. ASHU KUMAR Son of Shiv Dayal Prasad Resident of Village - Katara Bazar, Abdool Rahmanpur, P.S.- Malsalami, Distt.- Patna.
2. Aadi Kumar @ Aditya Kumar Son of Suraj Kumar Resident of Village - Katara Bazar, Abdool Rahmanpur, P.S.- Malsalami, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saurav Anand, Adv.

For the Opposite Party/s : Mr.Bishweshwar Ram, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-04-2023 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 341, 323, 447, 504, 506, 34 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of Arms Act.

Allegedly, some antisocial elements came to the informant's house and assaulted the informant's son. Co-accused Akash Kumar is said to have fired in the air from his pistol. In the meantime, several people assembled there and snatched his pistol. All the accused persons succeeded in fleeing away.



It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. Petitioners are students. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is specific allegation of firing against co-accused Akash Kumar. No any incriminating article has been recovered from the physical possession of the petitioners. The seized pistol has been produced by the public to the police, therefore, the alleged sections are not applicable and maintainable against the petitioners. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, as there is no recovery of incriminating article from the physical possession of the petitioners, 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 Malsalami P.S.
Case No. 617 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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