

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25558 of 2023

Arising Out of PS. Case No.-100 Year-2022 Thana- TETERHAT District- Lakhisarai

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RAUSHAN GUPTA @ ROSHAN KUMAR GUPTA Son of Shankar Sah
Resident of village - Kabaiya Road, ward no. 25, P.S - Kabaiya, Distt. -
Lakhisarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary

For the Opposite Party/s : Mr. Jharkhandi Upadhyay

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 17-05-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for regular bail in a case
registered for the offence punishable under sections 307, 302/34
of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, while the informant along
with his family members were sleeping in house, meanwhile,
the accused persons including the petitioner came there and
started assaulting them. During course of this occurrence, the
petitioner fired upon the informant which hit in his hand and co-
accused Dhupendra Gupta fired upon the informant's mother
namely, Usha Devi due to which she died.

Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. There is admitted land dispute between the parties due to which the petitioner has falsely been implicated in this case. From perusal of F.I.R., it appears the allegation against the petitioner is of firing upon the informant which hit in his hand which is not a vital part. The specific allegation of shot fire upon the deceased is against other co-accused namely, Dhupendra Gupta. There is no specific overt-act attributed against the petitioner to shot fire the deceased. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. It is further submitted that the petitioner is languishing in judicial custody since 15.10.2022.

Learned APP appearing for the state and learned counsel for the informant have vehemently opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Tetarhat P.S. Case No. 100 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of



learned Judicial Magistrate-1st, Lakhisarai.

(Sunil Kumar Panwar, J)

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