

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31278 of 2023

Arising Out of PS. Case No.-104 Year-2022 Thana- SAHPUR District- Bhojpur

Abhishek Kr @ Abhishek Ray @ Budha Ray Son of Shiv Pujan Ray Resident
of Village- Bahoranpur, Ps- Shahpur, Distt- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Purushotam Sharma, Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Shahpur
(Baboranpur O.P.) P.S. Case No. 104 of 2022 registered for the
offence under Sections 147, 148, 149, 323, 504, 506 and 307 of
the Indian Penal Code and 27 of Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 22.03.2023.

The allegation against this petitioner is to open fire
upon informant/injured during the course of occurrence, which
has been taken place out of previous enmities.

Learned counsel appearing on behalf of the petitioner



submitted that the occurrence was free fight in nature, where both parties received injuries and for same set of occurrence, a complaint case was registered by petitioner's side as Complaint Case No. 408(C)/22. It is submitted that nothing appears from the narration of F.I.R. that alleged firing was made intentionally and that is also appearing convincing, as same was alleged to hit on the lower leg, which is non-vital part of the body. While concluding the argument, it has been submitted that investigation of this case is completed, for which charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, and by taking note of the fact as alleged firing was not intentional to cause death of injured/informant, where occurrence is free fight in nature, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 22.03.2023, accordingly the petitioner, above named, is directed to be released on bail in connection with Shahpur (Baboranpur O.P.) P.S. Case No. 104 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Additional Chief Judicial Magistrate Ara at
Bhojpur/concerned Court, subject to the conditions as
mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

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