

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32135 of 2023

Arising Out of PS. Case No.-401 Year-2022 Thana- ROSERA District- Samastipur

1. Bachcha Jha @ Uma Shankar Choudhary @ Uday Shankar Choudhary Son Of Shree Ram Choudhary Resident Of Village- Nanda Nagar Balaha, Ps- Rosera, Distt- Samastipur
2. Ghanshyam Pathak @ Ravi Pathak @ Ram Pathak Son Of Bimlesh Pathak Resident Of Village- Nanda Nagar Balaha, Ps- Rosera, Distt- Samastipur

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sujit Kumar Singh, Advocate
For the Opposite Party/s : Mr.Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-06-2023 Heard learned counsel appearing on behalf of the
petitioners 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 petitioners seek bail in connection with Rosera
P.S. Case No. 401 of 2022 registered for the offence under
Sections 147, 148, 149, 341, 427, 379, 452, 384, 307, 504, 506
of the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioners are named in the F.I.R. and
are in custody since 25.10.2022.

The allegation against the petitioners is to open
indiscriminate firing to the house of informant alongwith other



co-accused persons and taken away cash of Rs. 50,000/- alongwith several jewelleryes made up of gold.

Learned counsel appearing on behalf of the petitioners submitted that counter case of the present occurrence was lodged by petitioners's side which has been registered as Rosera P.S. Case No. 403 of 2022 and in fact the occurrence is free fight in nature, where firing was alleged to be made from both sides. It is submitted that from the narration of FIR, it can be gathered safely that the firing as alleged was not intention to cause death of informant and others. It is submitted that allegation against petitioners are appearing very much general and omnibus. While concluding the argument, it is submitted that petitioners are men of clean antecedents, and moreover, investigation of this case is completed, for which charge-sheet has been 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 nature of general and omnibus allegation, where firing appears without having intention to cause death, coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 24.01.2023



accordingly, petitioners above named, are directed to be released on bail in connection with Rosera P.S. Case No. 401 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st Rosera District- Samastipur/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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