

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35855 of 2023

Arising Out of PS. Case No.-104 Year-2021 Thana- SHIVSAGAR District- Rohtas

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ASHUTOSH CHOUBEY S/O LATE KEDAR CHOUBEY R/O Village-
Bhadrashila, P.S.-Shivsagar (Shivshagar), Dist.- Rohtas (Sasaram)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashutosh Tripathy

For the Opposite Party/s : Mr.Md. Matloob Rab

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 07-08-2023 Heard learned counsel for the petitioner, informant
and learned APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 341, 323, 324, 307,
504, 506/34 of the IPC and Section 27 of the Arms Act.

3. As per prosecution case, the brother and father of
the informant were sit near their house in the meantime,
petitioner along with others came on a motorcycle and started
indiscriminate firing, which caused injury to his father on the
chest and his brother sustained injury on his private part.

4. It is submitted by learned counsel for the petitioner



that petitioner has been falsely implicated in this case due to dirty village politics. He has committed no offence. There is general and omnibus allegation against the petitioner and no specific overt act against the petitioner. The villagers as well as petitioner's family were feeling difficulty when they were crossing the door of the informant. On the day of occurrence, petitioner was going to his motorcycle along with his Babhi for treatment, when the petitioner was crossing the door of the informant his motorcycle slipped. Thereafter, some hot debate was started between both the parties in which they received injuries. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 05.08.2022.

5. The application for bail is opposed by learned APP for the State, learned counsel for the informant and submitted that the injured persons sustained gun-shot injuries and the petitioner is named in the FIR.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner on bail **after framing of charge, if not framed**. The above named petitioner is directed to be enlarged on bail on furnishing



bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Court below in connection with Shivsagar P.S. Case No. 104 of 2021.

(Sunil Kumar Panwar, J)

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