

Arising Out of PS. Case No.-72 Year-2023 Thana- ARA NAWADA District- Bhojpur

... .. Petitioner/s

Versus

... .. Opposite Party/s

For the Petitioner/s : Mr. Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP
For the informant : Mr. Brajesh Prasad Gupta, Advocate

2 31-07-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with Ara Nawada P.S. Case No.72 of 2023 registered for the offence under Sections 326 and 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The accused/petitioner is named in the F.I.R. and is in custody since 13.03.2023.

4. The allegation against the petitioner is to cause firearm injury to one Bablu Kumar, along with named and unknown accused persons, while scuffle took place at about 09:00 AM and further at about 11:00 AM in front gate of Mission School, Ara.



5. Learned counsel appearing on behalf of the petitioner submitted that even during course of investigation, injured failed to named this petitioner, as to cause firearms injuries, received by him, during the course of occurrence. It is submitted that injured came to known this petitioner from the first informant, who was with him during course of occurrence and also one of the witnesses of the case. It is further submitted that the informant, who is claiming to be an eye-witness of the occurrence also not named this petitioner specifically, as to cause firearm injury to the injured, namely, Bablu Kumar. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer of bail, submitted that this petitioner was actively participated during course of occurrence, causing firearm injury to injured, Bablu Kumar.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as informant, who is claiming to be an eye-witness and also injured, appears



failed to raise specific allegation against this petitioner to cause firearm injury coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 13.03.2023, let the petitioner, above named, is directed to be released on bail in connection with Ara Nawada P.S. Case No.72 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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