

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50553 of 2022

Arising Out of PS. Case No.-156 Year-2022 Thana- BANIAPUR District- Saran

1. NITESH KUMAR CHOUBEY @ TINU CHOUBEY S/o Sanjay Choubey @ Chunnu Choubey Resident of Village- Pithori Tavkal, P.S.- Baniyapur, District- Saran at Chapra.
2. Gita Devi W/o Sanjay Choubey @ Chunuu Choubey Resident of Village- Pithori Tavkal, P.S.- Baniyapur, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate
For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-01-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Baniyapur P.S. Case No. 156 of 2022 for the offence registered under Sections 307, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the FIR, the allegation is of opening fire on the petitioner no. 1 while regarding petitioner no. 2, there is allegation of abusing the informant's side.

Learned counsel for the petitioners submit it is a matter of case and counter case and although the exaggerated allegation is of firing, no injuries are there. The last submission



is that the petitioner no. 2, is a lady.

Learned APP for the State, on the other hand, opposes the prayer stating that there is allegation of firing against petitioner no. 1.

Taking into account the fact that though there is allegation, no injury is there and further the petitioner no. 2 is a lady, this Court is inclined to grant relief to both the petitioners.

Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Saran at Chapra in connection with Baniyapur P.S. Case No. 156 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Jagdish/Neha/-

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