

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57248 of 2022

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

MUKESH RAY Son of Shiv Pujan Ray Resident of Village - Bahoranpur,
P.S.- Shahpur, District - Bhojpur (Bihar) Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner	:	Mr.Purushotam Sharma, Advocate
For the Opposite Party	:	Mr.Nand Kishore Prasad, Addl Public Prosecutor
for the informant		Mr. Bhavesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 13-03-2023 Heard learned counsel for the petitioner, the State and the informant.

The petitioner apprehends arrest in a case registered for the offence punishable under sections 147,148,149,323,504,506/307 of the Indian Penal Code and section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. As a matter of fact, specific allegation of causing fire arms injury on the thigh of the informant's nephew is against co-accused Budha Rai @ Abhishek Rai and no overt act has been alleged against the petitioner who can at best be said to be member of unlawful assembly. There is case and counter case.

Learned counsel appearing for the State as well as the informant oppose the prayer for bail. They submit that the



petitioner bears criminal antecedent and there is allegation that he and other accused persons surrounded the victim and caused him fire arms injury.

Considering the fact that the petitioner is not author of the injury sustained by the victim, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner mentioned above be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Bhojpur at Ara in Shahpur Bahoranpur Police Station Case No. 104 of 2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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