

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63579 of 2022

Arising Out of PS. Case No.-160 Year-2022 Thana- CHAUSA District- Madhepura

1. KAILASH RAM @ KAILU RAM S/O LATE FULCHAND RAM Resident of Village- Fulaut Ghasakpur Tola, P.S.- Alamnagar, District- Madhepura.
2. KULO SHARMA S/O LATE SUGDEO SHARMA Resident of Village- Fulaut Ghasakpur Tola, P.S.- Alamnagar, District- Madhepura.
3. INDRADEO SHARMA S/O LATE SUGDEO SHARMA Resident of Village- Fulaut Ghasakpur Tola, P.S.- Alamnagar, District- Madhepura.
4. KOKAN SHARMA S/O LATE SUGDEO SHARMA Resident of Village- Fulaut Ghasakpur Tola, P.S.- Alamnagar, District- Madhepura.
5. ANIRUDH SINGH S/O JAGESHWAR SINGH Resident of Village- Fulaut Ghasakpur Tola, P.S.- Alamnagar, District- Madhepura.
6. PAPPU RAM S/O KAILASH RAM Resident of Village- Fulaut Ghasakpur Tola, P.S.- Alamnagar, District- Madhepura.
7. LALAN SHARMA S/O LATE SUGDEO SHARMA Resident of village- Gangapur Bajha Basa, P.S.- Alamnagar, District- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Swapnil Kumar Singh
For the Opposite Party/s :	Mr.Satyendra Narayan Singh
	Mr. Pawan Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 20-06-2023 Heard learned counsel for the parties.

Petitioners apprehend their arrest in a case registered for the offence punishable under Section 307 and some other ancillary Sections of the Indian Penal Code and u/s 27 of Arms Act.

As per the prosecution case, on 22/07/2022 at 11.30 PM in the night while the father of informant was sleeping at his



door, all the FIR named accused persons, including these petitioners, armed with fire arm, came there and started indiscriminate firing on account of which father of informant sustained bullet injuries.

Learned counsel appearing for the petitioners submits that petitioners are innocent and have falsely been implicated in the case. It is further submitted that allegation of firing is general and omnibus and no specific overt act has been alleged against these petitioners. The father of informant sustained only two injuries whereas it is alleged in the FIR that 14 accused persons made indiscriminate firing. It is next submitted that on account of land dispute series of litigation are going on between the parties and present case is one of them. From bare perusal of the FIR it is apparent that occurrence took place in the midnight but the informant has not disclosed the source of identification as to how he came to know that FIR named accused persons made indiscriminate firing. The occurrence took place on 22/07/2022 but the FIR has been lodged on 25/07/2022 without explaining the delay. The injuries sustained by the injured are on non vital part of the body.

Learned counsel appearing for the State and the informant opposed the prayer for anticipatory bail.



Considering the facts of the case and nature of accusation against the petitioners, let the petitioners, above named, in the event of their arrest/ surrender within a period of six weeks from today shall 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 Sub divisional Judicial Magistrate, Udakishunganj in connection with Chausa (Fulaut) PS case No. 160/ 2022, subject to conditions laid down u/s 438(2) of the Cr. P. C.

(Prabhat Kumar Singh, J)

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