

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69868 of 2023

Arising Out of PS. Case No.-185 Year-2023 Thana- NAUGACHIA District- Bhagalpur

1. Siddharth Kumar @ Sidhartha Singh Son Of Suman Singh @ Suman Prasad Singh Residents Of Village Pakra Police Station Naugachia District Bhagalpur
2. Kanaihya Sharma @ Fuko Son Of Sajan Sharma Residents Of Village Pakra Police Station Naugachia District Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dheeraj Kumar, Advocate

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioners and learned APP for the State.

2. In the present case, the petitioners seek bail in connection with Naugachia P.S. Case No. 185 of 2023, registered on 07.06.2023 for the alleged offence under Sections 147, 323, 307 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the petitioners along with co-accused persons assaulted the informant and his brother and the petitioner no. 2 Kanhaiya Sharma opened fire on the brother



of the informant and the shot hit the ankle of the brother of the informant.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case in retaliation to Naugachia P.S. Case No. 184 of 2023, which has been registered under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act against the informant and his brother who shot dead the brother of the informant of Naugachia P.S. Case No. 184 of 2023, the present case has been filed. The petitioners are witnesses in the said case. Learned counsel further submits that the injuries are quite simple caused by hard and blunt substance and is not on any vital part of the so called victim of this case. Learned counsel further submits that the injury report of the victim shows only pain, bodyache and abrasion on the person of the victim. The allegation of firing against petitioner no. 2 is false and fabricated. Even during investigation police has not collected any material to suggest truthfulness of allegation. The petitioners are in custody since 08.06.2023 and charge sheet has been submitted. Petitioner no.1 has got one criminal antecedent in which he is on bail whereas petitioner no. 2 has no criminal history.

5. Learned APP vehemently opposes the submission



made on behalf of the petitioners.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the earlier case by the petitioners' side and further considering the quite simple nature of injury as reflected from the injury report, period of custody of the petitioners and submission of charge sheet, the petitioners above named, are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Naugachia/concerned court in connection with Naugachia P.S. Case No. 185 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the



petitioners will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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