

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85278 of 2023

Arising Out of PS. Case No.-535 Year-2023 Thana- KHAGARIA District- Khagaria

Raushan Sah S/o Mannu Sah R/o Village-Bhadash Dakshini, P.S- Muffasil,
District Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 6069 of 2024

Arising Out of PS. Case No.-535 Year-2023 Thana- KHAGARIA District- Khagaria

Sattan Sah Son of Gano Sah Village_ Bhadas South, P.S. Muffasil, Distt.
Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 85278 of 2023)

For the Petitioner/s : Mr.Ramakant Sharma, Sr. Advocate
Mr. Rakesh Kumar Sharma

For the Opposite Party/s : Mr.Umeshanand Pandit

(In CRIMINAL MISCELLANEOUS No. 6069 of 2024)

For the Petitioner/s : Mr.Ranjeet Kumar Singh

For the Opposite Party/s : Mr.Upendra Kumar

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 19-03-2024 Heard Mr. Ramakant Sharma, learned Senior
Counsel assisted by Mr. Ranjeet Kumar Singh, for the
petitioners and learned APP for the State. Perused the case diary.

2. The petitioners seek bail in Khagaria (Muffasil) P.S.
case No. 535 of 2023 instituted for the offences under Sections



302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Prosecution allegation, in short, is that while the informant along with his brother was at a shop, the accused persons, variously armed, came at the shop and surrounded them. It is further alleged that Manoj Kumar Gupta fired upon his brother and other accused persons also indiscriminately fired at the brother of the informant due to which he died.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. Charge-sheet has been submitted in this case. General and omnibus allegation has been made against the petitioners. No specific allegation is alleged against the petitioners. Specific allegation of firing is made against co-accused Manoj Kumar Gupta. The post-mortem report shows one entry of wound at temporal region and does not show multiple injuries. The petitioners are in custody since 17.07.2023 and petitioner Raushan Sah has three criminal antecedents in which he is on bail while petitioner Sattan Sah has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners. Learned



APP submits that the post-mortem report suggests one entry wound and one exit wound.

6. Considering the aforesaid facts and circumstances of the case, the allegation being general and omnibus, the period of custody undergone by the petitioners and the post-mortem report, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Khagaria (Muffasil) P.S. case No. 535 of 2023.

(Rudra Prakash Mishra, J)

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