

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15277 of 2024

Arising Out of PS. Case No.-386 Year-2023 Thana- TEGHRHA District- Begusarai

1. BHIKHARI PODDAR SON OF LATE MAHAVIR PODDAR RESIDENT OF VILLAGE - CHILHAY, WARD NO. 1, POLICE STATION - TEGHRA, DISTRICT - BEGUSARAI
2. BITTU PODDAR SON OF BHIKHARI PODDAR RESIDENT OF VILLAGE - CHILHAY, WARD NO. 1, POLICE STATION - TEGHRA, DISTRICT - BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-03-2024 **1.** Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioners are named in the F.I.R. and apprehending their arrest in connection with Teghra P.S. Case No. 386 of 2023 registered for the offences punishable under Sections 341, 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The allegation against the petitioners is to open indiscriminate firing on the house of informant



alongwith other co-accused persons having intention to cause death of informant and his family members, where occurrence arises out of land disputes.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners have been falsely implicated with the present case, where petitioner no. 2 is son of petitioner no. 1. It is submitted that both parties are agnates and same is admitted position through FIR, itself. It is pointed out that informant being eye-witness of the occurrence noticed only co-accused Shiva Sahni and Guddu having weapons in hand and as such allegations of firing is not appearing convincing, *qua* both petitioners. It is submitted that implication also appears on the basis suspicion as raised through FIR, itself. While concluding the argument, it is submitted that petitioners are men of clean antecedent and moreover during occurrence no one received bullet injury.

5. Learned APP appearing on behalf of the



State, opposes the prayer for bail.

6. In view of the facts and circumstances as mentioned above and by taking note of the fact, as petitioners were not found with weapons as per version of informant, where allegation appears out of suspicion in the background of land dispute, accordingly both petitioners above named, in the event of their arrest or surrender before the learned Court within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai/concerned Court where the case is pending in connection with Teghra P.S. Case No. 386 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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