

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19351 of 2024

Arising Out of PS. Case No.-371 Year-2023 Thana- DESARI District- Vaishali

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Ashwani Kumar @ Ashwani Singh S/o Dinesh Prasad Singh R/o Village -
Chakamgola, P.S. - Disari (Chandpura O.P.), Dist. - Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 19-04-2024 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. The petitioner seeks regular bail in connection with
Desari (Chandpura O.P.) P.S. Case No. 371 of 2023, lodged on
03.11.2023 under Sections 341, 323, 302, 34 of the Indian Penal
Code read with section 27 of the Arms Act.

3. As per the prosecution case, FIR has been lodged
against six named accused persons including the present
petitioner. The allegation against the petitioner is that he has
carried pistol in his hand at the place of the occurrence.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that it is true that the petitioner was carried pistol in
his hand but from the seizure list, it becomes clear that it is a



pistol which is basically an air pistol and unloaded one on which batman was written and actually it is a toy and not the real gun or pistol. Counsel further submits that the criminal antecedent of the petitioner is clean and he is in custody since 04.11.2023.

5. Learned counsel for the petitioner submit that it is the accused namely Dinesh Prasad Singh who has fired from his gun on the chest of the informant's son due to which he fell down and subsequently, on the way, informant's son died.

6. Learned APP for the State opposes the prayer for bail of the petitioner.

7. Learned counsel for the informant vehemently opposes the prayer for bail of the petitioner and submits that case diary has been called for and in the case diary, post-mortem report has been attached and the post-mortem report directly corroborates that the death has been caused due to injury caused by a gun shot which has been done none the else but by Dinesh Prasad Singh.

8. In the present facts and circumstances of this case and the submissions made above, **let the petitioner above named be granted bail** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief



Judicial Magistrate, Vaishali at Hajipur in connection with
Desari (Chandpura O.P.) P.S. Case No. 371 of 2023, subject to
the conditions as laid down U/s 437(3) Cr.P.C.

(Dr. Anshuman, J.)

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