

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33466 of 2024

Arising Out of PS. Case No.-45 Year-2024 Thana- DINARA District- Rohtas

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1. Chandan Singh @ Chandan Kumar Son of Baban Singh, Resident of Village - Chatar Tola, Police Station- Dinara, District- Rohtas at Sasaram
 2. Khal Singh @ Khal Kumar @ Rakesh Kumar, Son of Rajendra Singh Resident Of Village - Chatar Tola, Police Station- Dinara, District- Rohtas at Sasaram
 3. Lal Babu Singh Son of Late Shiv Nandan Singh Resident of Village -Chatar Tola, Police Station- Dinara, District- Rohtas at Sasaram

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Riya Singh, Adv.
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-05-2024 Heard Ms. Riya Singh, learned counsel for the
petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Dinara P.S. Case No. 45 of 2024 registered for the offences punishable under Sections 147, 149, 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case is based on the written report of the informant alleging that on 29.01.2024, two groups of a village entered into a scuffle resulting into exchange of firing due to which a gunshot injury sustained to a buffalo. On getting information, the police reached at the place of occurrence,



however, noticing the police party, the persons who were assembled there succeeded in fleeing away. The police recovered empty cartridge(s) from the place of occurrence resulting into lodging of the FIR.

4. Learned counsel for the petitioners, referring to the FIR, vigorously contended that even as per the FIR, it is evident that omnibus nature of allegation has been levelled against all the accused persons, including the petitioners. From the FIR, it is also evident that the injury had sustained to a buffalo and, as such, in any view of the matter, no case under Section 307 of the I.P.C. is made out. At best, the petitioners can be said to be a member of the mob. During the course of investigation, no further materials have been collected suggesting complicity of the petitioners in the present crime. It is further contended that name of petitioners no. 1 and 3 have been implicated on account of their past antecedent in a criminal matter whereas petitioner no.2 is a man of fair antecedent.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that none of the person has sustained any injury and save and except an omnibus



allegation of exchange of firing, there is no material suggesting active role of the petitioners in the present crime, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Rohtas at Sasaram in connection with Dinara P.S. Case No. 45 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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