

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80865 of 2024

Arising Out of PS. Case No.-777 Year-2024 Thana- SASARAM NAGAR District- Rohtas

1. Naushad Gaddi Son of Mansur Ghoshi @ Mansur Gaddi Resident of Village- Alamganj (Ghosiyan Sagar), Police Station - Sasaram Town, District - Rohtas
2. Dilshad Gaddi @ Dilshad Ahmad Son of Mansur Ghoshi @ Mansur Gaddi Resident of Village- Alamganj (Ghosiyan Sagar), Police Station - Sasaram Town, District - Rohtas
3. Amjad Gaddi Son of Ansur Gaddi Resident of Village- Alamganj (Ghosiyan Sagar), Police Station - Sasaram Town, District - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Singh, Advocate
For the Opposite Party/s : Mrs.Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-11-2024 Heard the parties.

2. The petitioners are in judicial custody in connection with Sasaram Model Town (Muff.) P.S. Case No. 777 of 2024 for the offence punishable under Sections 109, 61(2), 352, 351(2), 3(5) of BNS & section 25(1-B) (a), 26, 37, 35 of Arms Act lodged on 18.09.2024 by the informant, Akbar Rayan.

3. As per the prosecution story, the informant alleged that he is in the business of vegetables. These petitioners came with a Pick-Up van forced and wanted the vegetables to be loaded on it. When it was protested, they opened fire but anyhow, the informant saved. One Chhattu Mahto snatched the



pistol from them which ultimately saved his life. This led to the FIR.

4. Learned counsel for the petitioners submit that in a case of minor scuffle between the parties, the allegation of opening fire has been made against these petitioners for which he has already suffered by being in custody since 19.09.2024 (para-4 of the petition) having no criminal. It is his further case that though allegation of firing is there, it is not the case that it hit anyone.

5. Learned APP opposes the prayer.

7.Considering the aforesaid submission put forward by the parties as also the fact that there is no injury on the other side, the business rivalry has been submitted, are in custody since 19.09.2024, this Court is inclined to extend them the privilege of bail with conditions.

8. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Sasaram, in connection with Sasaram Model Town (Muff.) P.S. Case No. 777 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member of



the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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