

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80846 of 2024

Arising Out of PS. Case No.-129 Year-2024 Thana- GWALPARA District- Madhepura

1. Poonam Devi W/O Bipin Sah
2. Priyanshu Kumar @ Prayanshu Kumar S/O Bipin Sah
Both are R/O Village- Pirnagar Ward No. 06, P.S- Gwalpara, Distt.-
Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 04-12-2024 Heard Mr. Dinesh Prasad Verma, learned counsel
appearing on behalf of the petitioners and Mr. Ajit Kumar,
learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection
with Gwalpara P.S. Case No.129 of 2024, registered for the
offences punishable under Sections 25(1-B)a 26/35 & 27 of the
Arms Act.

3. Allegedly on the fateful day the petitioners along
with co-accused Bipin Sah came at the Basa of the informant.
Suddenly, co-accused Bipin Sah made open firing, however the
same did not hit to the informant. In the meantime, the
informant's brother and uncle came and caught hold of Bipin
Sah from whose possession one country made pistol and three live



cartridges and one empty cartridge were recovered.

4. Learned counsel appearing on behalf of the petitioners referring to the to the FIR primarily contended that the entire allegation revolve around co-accused Bipin Sah who is not before this Court. So far the informant is concerned he is non else but the cousin of the husband of the petitioner no.1. The present FIR has been instituted on the premise of land dispute, there is a counter version of the present case being Gwalpara P.S. Case No.130 of 2024, instituted by the co-accused Bipin Sah against the informant and other family members. It is lastly contended that be that as it may the petitioners bear no criminal antecedent and they undertake before this Court that they will fully cooperate in the proceeding of the court.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that they have actively participated in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the factum of case and counter case coupled with the fair antecedent, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below



within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhepura in connection with Gwalpara P.S. Case No.129 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

Prakash Narayan

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