

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85602 of 2023

Arising Out of PS. Case No.-296 Year-2023 Thana- DARIYAPUR District- Saran

1. Aman Kumar, Son Of Shri Gajendra Rai, Resident Of Village - Sarai Saho, Police Station - Dariyapur, District - Saran (CHAPRA)
2. Sachin, Son Of Devendra Rai @ Devendra Prasad, Resident Of Village - Sarai Saho, Police Station - Dariyapur, District - Saran (CHAPRA)
3. Tiwari Rai @ Shiv Kumar Prasad, Son Of Late Shrawan Rai, Resident Of Village - Sarai Saho, Police Station - Dariyapur, District - Saran (CHAPRA)
4. Gajendra Rai, Son Of Tiwari Rai @ Shiv Kumar Prasad, Resident Of Village - Sarai Saho, Police Station - Dariyapur, District - Saran (CHAPRA)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Dariyapur P.S. Case No. 296 of 2023, registered for the offences under Sections 323, 341, 307, 324, 379, 504 and 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, during a marriage ceremony, the petitioners and 4-5 unknown co-accused persons entered into an altercation and assaulted the members of a *barat*. Petitioner no.3 opened fire with his licensed gun.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Petitioners did not assault any person and the allegations are completely false and concocted as the injured received injuries during feast when some hot exchange took place between two groups. Dariyapur P.S. Case No. 308 of 2023 was registered by petitioner no.2 for the occurrence in which the petitioners were assaulted by the other side. No offence under Section 27 of the Arms act is made out against the petitioners since the gun was licensed and no injury was caused by it. Injury report of the injured persons shown injuries which are simple in nature and non-serious like abrasion, swelling and laceration on non-vital parts. Petitioners are having clean antecedent.

5. Learned APP opposes the submissions made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the simple nature of injuries coupled with possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty thousand Only) each



with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Chapra, Saran/concerned court in connection with Dariyapur P.S. Case No. 296 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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