

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23162 of 2017

Arising Out of PS.Case No. -148 Year- 2014 Thana -BARUN District- AURANGABAD

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1. Vikash Kumar, Son of Ramashish Singh,
2. Rajendra Singh, Son of Ramchandra Singh, Both are Resident of
Village- Kumkar, Tola- Barun, P.S.- Barun, District- Aurangabad.
..... Petitioner/s

Versus

1. The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 05-07-2017 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioners were members of the unlawful assembly. Allegation is that deceased Jitendra Singh caught this petitioner. In the meantime, co-accused Kunal Kumar fired at Jitendra causing injury and death. Informant is eye-witness of the occurrence.

After investigation, the police did not send up the petitioners for trial. However, after prosecution evidence under Section 319 Cr.P.C., petitioners have also been summoned to face trial.



Submission of the learned counsel for the petitioners is that there is no material in the case diary nor the bare perusal of FIR reveals that there is allegation against the petitioners.

Learned counsel for the informant opposed the prayer for bail.

Considering the fact that there is no substantial material against the petitioner for the purpose of this application, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad/successor Court in connection with Barun Police Station Case No. 148 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioners shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

(Birendra Kumar, J)

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