

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13351 of 2020**

Arising Out of PS. Case No.-92 Year-2019 Thana- MANSI District- Khagaria

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1. KIRANI SAH Son of Late Baso Sah Resident of Village - Rohiyar, P.s.- Mansi, Dist.- Khagaria.
  2. Bikash Kumar @ Bikash Sah Son of Kirani Singh Resident of Village - Rohiyar, P.s.- Mansi, Dist.- Khagaria.
  3. Chhotu Sah Son of Kirani Sah Resident of Village - Rohiyar, P.s.- Mansi, Dist.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Shiva Shankar Sharma  
For the Opposite Party/s : Mr.Shailendra Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      23-06-2020                      Due to COVID-19 Pandemic, the matter is being  
taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For  
Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioners seeks permission  
of the Court to withdraw the application with regard to  
petitioner no. 3 as he has been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect  
of petitioner no. 3.

Heard learned counsel for the petitioners and learned



APP for the State.

The petitioner nos. 1 and 2 are apprehending their arrest in a case registered under Sections 302, 392 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, in short, is that the informant got information that accused persons fired at his brother due to which he died.

It has been submitted on behalf of the petitioners that the petitioner nos. 1 and 2 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner nos. 1 and 2. The petitioner nos. 1 and 2 are not named in the F.I.R. The name of petitioner nos. 1 and 2 have transpired in course of investigation as they were seen in or around the place of occurrence. Except for this, there is no other substantive evidence to suggest their implication in the present case. No incriminating articles are alleged to have recovered from the possession of the petitioner nos. 1 and 2.

On behalf of the State, it is submitted that the petitioner nos. 1 and 2 are not named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner nos. 1 and 2 above named, in the event of arrest or surrender before the learned Court



below within a period of six weeks from today, be released on anticipatory bail on their personal bonds to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Mansi P.S. Case No. 92 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each within a period of seven weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

**(Sudhir Singh, J)**

Pankaj/-

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