

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24145 of 2020

Arising Out of PS. Case No.-16 Year-2020 Thana- PATEPUR District- Vaishali

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1. SANJAY KUMAR Son of Dinesh Pandit Resident of Village- Bushahi, P.S.- Baligaown, District- Vaishali.
 2. Lal Babu Kumar @ Lalku S/o Ramsheresth Pandit Resident of Village- Bushahi, P.S.- Baligaown, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priyesh Kumar, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 27-11-2020 Heard Mr. Priyesh Kumar, learned counsel for the petitioners and Mr. Akshay Lal Pandit, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners seek regular bail in connection with Patepur P.S. Case No. 16 of 2020 registered for the offences punishable under Sections 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The allegation as per the First Information Report is that one Sigheswar Sah came at the shop of the informant and took his elder brother Om Prakash Rai and Vijay Sharma on his Motorcycle and after sometime, the informant heard the sound



of firing. He rushed towards the place of occurrence and saw the FIR named accused persons, seven in numbers, fleeing away from the place of occurrence. It has further been alleged that brother of the informant and one Vijay Sharma were found lying on the road with firearm injury. Subsequently, the brother of the informant namely, Om Prakash died on way to Hospital.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case on the basis of alleged confession only inasmuch as the petitioners were arrested in another case bearing Patepur P.S. Case No. 29 of 2020 registered under Sections 399, 402 of the Indian Penal Code 1860 read with Section 25(1-b)A, 26 and 35 of the Arms Act and their confessional statements have allegedly been recorded and they have been remanded in this case. Learned counsel referring to Annexure-2 submits that the statement of the injured person namely, Vijay Sharma, has been recorded under Section 164 Cr. P.C. wherein he has categorically stated that Rahul Kumar and Uma Sah had fired one bullet each upon him and Om Prakash, and Om Prakash died on the way.

On the other hand, learned counsel for the State referring to the case diary submits that confessional statement of the petitioners have been recorded and they have confessed their



guilt regarding involvement in the present offence.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the statement of the victim recorded under Section 164 Cr. P.C. who has not stated anything against these petitioners, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular 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 ACJM-VIII, Vaishali at Hajipur, in connection with Patepur P.S. Case No. 16 of 2020 subject to the condition that the petitioners will be well represented on each date in the trial and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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