

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25688 of 2020

Arising Out of PS. Case No.-189 Year-2020 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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1. NIRAJ KUMAR Son of Sunil Ram Resident of Village - Bahadurpur, P.S. - Meenapur (op Panapur), District - Muzaffarpur.
 2. Vikash Kumar Son of Dindayal Mahato Resident of Village - Bahadurpur, P.S. - Meenapur (op Panapur), District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 30-09-2020 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard learned counsel for the petitioners and learned

A.P.P for the State.

The petitioners seek bail in Kanti P.S. Case No. 189 of

2020, registered for the offence punishable under Sections 147,

148, 149, 448, 341, 323, 307, 354(B), 379 and 504 of the Indian

Penal Code and section 27 of the Arms Act.

As per prosecution case, on 27.03.2020 at about 8.30

pm, while the informant was sitting at his door along with

family members, 13 named accused persons including these



petitioners entered into the house of informant and started firing from gun. They also committed loot in the house of informant. Some of the accused persons started misbehaving with the daughter of informant and also torn her clothes, when the brother of informant came to save her, the accused persons also assaulted him with iron rod, as a result of which he became severely injured.

It is submitted on behalf of the petitioners that petitioners have falsely been implicated in this case due to enmity. There is civil dispute between the parties. There is general and omnibus allegation against these petitioners. In fact, petitioners were not arrested on the spot rather they were arrested in the premises of Kanti Police Station (arrest memo is annexed with this petition). After death of informant's brother section 302 IPC was also added. The brother of informant died after 15 days of occurrence due to ailment. During course of supervision, the senior police officials did not find case true against the petitioners under Section 302 IPC and charge sheet was submitted under Section 147, 148, 149, 447, 341, 323, 307, 354, 504 and 506 of the Indian Penal Code. Petitioners are in custody since 29.03.2020 having clean antecedent (as per para 3 of the bail petition).



Considering the facts and circumstances of the case, the petitioners above-named, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate West, Muzaffarpur in connection with Kanti P.S. Case No. 189 of 2020, subject to following conditions:-

(i) The petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Prabhat Kumar Singh, J)

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