

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14534 of 2021**

Arising Out of PS. Case No.-113 Year-2020 Thana- BAKHTIYARPUR District- Patna

1. ANIL RAI Son of Ram Janam Rai Resident of Village- Dedaur, P.S. - Bakhtiyarpur, District - Patna.
2. Ram Janam Rai Son of Late Narayan Rai Resident of Village- Dedaur, P.S. - Bakhtiyarpur, District - Patna.

... .. Petitioners

Versus

THE STATE OF BIHAR DEPARTMENT OF HOME NEW
SECRETARIATE PATNA

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Rajendra Singh,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 22-06-2021 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Rajendra Singh, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Bakhtiyarpur P.S. Case No. 113 of 2020 registered for the offences punishable under Sections 341/504/326/307/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioners submits that as per the prosecution story, when the informant went to harvest his



field, three persons including these petitioners surrounded him and started abusing him. When the informant protested, Anil Rai caught hold of the informant and Ramjanam Rai told Deepak Kumar to kill him. On this Deepak Kumar fired on the head of the informant.

Learned counsel submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that there is no specific allegation against the petitioners. The allegation of firing upon the informant is against one Deepak Kumar. The petitioners are in custody since 28.6.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case, wherein this Court has noticed from the materials placed on the record and the submissions of learned counsel for the petitioners and learned APP for the State that so far as these petitioners are concerned, they have not fired upon the informant. The specific allegation of firing is against co-accused Deepak Kumar, learned counsel for the petitioners has submitted that it is a case of false implication of the petitioners by falsely implicating that kind of participation in the alleged



occurrence, the fact remains that both the parties have got land dispute and the present occurrence has allegedly taken place due to the said land dispute, the injured informant has remained in PMCH for treatment only for seven days as is appearing from the impugned order, the petitioners have otherwise no criminal antecedent, investigation against them is complete and chargesheet has been filed but there is no chance of early conclusion of trial in near future, considering all these aspects, let the petitioners above named be released on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Barh, Patna in connection with Bakhtiyarpur P.S. Case No. 113 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person



acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

