

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19513 of 2021**

Arising Out of PS. Case No.-366 Year-2020 Thana- RIGA District- Sitamarhi

1. KAMLESH KUMAR S/O LATE KAPIL DEV RAY Resident of Chandan Nagar Ward No. 12, P.S.- Riga, District- Sitamarhi
2. VIMLESH KUMAR S/O LATE KAPIL DEV RAY Resident of Chandan Nagar Ward No. 12, P.S.- Riga, District- Sitamarhi

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, A.P.P.

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

2 17-04-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

Petitioners, in the present case, are seeking regular bail in connection with Riga P.S. Case No. 366 of 2020 registered for the offences punishable under Section 341, 323, 307, 337, 427 & 34 of the Indian Penal Code.

As per the prosecution story, on 08.12.2020, while the informant along with his friend Rajesh Paswan returned home from the market, he saw that Kamlesh and Vimlesh (petitioners) are coming towards the house of the informant and started firing



indiscriminately. It is alleged that during course of running here and there, the friend of the informant Rajesh Paswan was hit by a bullet which was fired by Kamlesh (petitioner no. 1) thereafter petitioners and some 10 – 15 unknown persons started throwing pebbles and stones at the house of the informant.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case, both the parties are close door neighbours and the dispute has taken place on account of construction of boundary wall, both the parties have lodged F.I.R. giving two different versions. According to the petitioners, the informant side had brought some outsiders and attacked on the petitioners' side by firing. The informant Rajesh Paswan is a resident of another village who had been involved in the alleged act of firing. Learned counsel submits that petitioners are in custody since 09.12.2020.

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

Having regard to the facts and circumstances of the case wherein learned counsel for the petitioners submits that both the parties are close door neighbours and the dispute has apparently taken place on account of construction of boundary wall, both the parties have lodged case and counter case, the petitioner no. 1 has also suffered injury of incised wound on his forehead which may



be found from the injury report enclosed as Annexure '4/1', the allegation against petitioner no. 1 is that of firing upon the informant side and in the said firing simple injuries are said to have been caused on the hand of one of the persons of the informant's side, there is no allegation of firing against petitioner no. 2, though the allegation against him is general and omnibus, petitioner no. 1 is serving as a Major in Indian Army and petitioner no. 2 is a bank employee, prior to the present case and counter case, the petitioner no. 1 had lodged a case which is Annexure '3' to the present application from which it will appear that the informant's side is trying to usurp his property taking advantage of his absence from the village, the petitioners are said to be in custody in connection with this case since 09.12.2020, informant's side of this case has got regular bail from the learned coordinate Bench of this court in Cr. Misc. No. 16052/2021 vide order dated 04.03.2021, considering all the submissions and the materials on the record and upon noticing that the investigation against the petitioners is complete and their further incarceration is not likely to come in aid of investigation or the prosecution, this Court directs release of the petitioners above-named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Sitamarhi, in



connection with Riga P.S. Case No. 366 of 2020 subject to the condition 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 he is suspected, and

(c) that such person shall not directly or indirectly make any 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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.

