

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21525 of 2021

Arising Out of PS. Case No.-47 Year-2020 Thana- KARPI District- Jehanabad

1. Arun Kumar, Son of Ganauri Yadav,
2. Vimal Kumar, Son of Ramadhar Yadav,
Both Residents of Village- Dian Bigha, P.S.- Karpi, District- Arwal.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Mistry, Adv.

For the Opposite Party/s : Mr.Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-08-2021 Learned counsel for the petitioners submits that in paragraph no.15 of the bail application the period of custody has been wrongly typed as 03.12.2021 in place of 03.12.2020.

Let, it be so corrected and reads as 03.12.2020.

Heard learned counsel for the petitioners and learned APP for the State through virtual Court proceedings.

Learned counsel for the petitioners undertakes to remove the defects as pointed out by the office within four weeks of normal functioning of the court, failing which the office is directed to place the matter before the Bench.

The petitioners seek bail in a case registered for the offence punishable under Sections 302/34 of the Indian Penal Code and under Section 27 of the Arms Act.



Allegation against the petitioners alongwith other accused persons is said to have killed the deceased by means of gun shot.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He submits that there is general and omnibus allegation against the petitioners. According to FIR, allegation against the petitioner no.1 who put pistol upon the deceased and allegation against the petitioner no.2 who caught hold hands of the deceased. There is specific overt act against co-accused, namely Birendra Kumar who fired from pistol which hit on the chest of the deceased. He further submits that there is no overt act against the petitioners and in para 9 of the case diary statement of Ramji Kumar who was boarded on motorcycle with the deceased- Mahesh Kumar, was examined in para 9 of the case diary but he has not supported the allegation made in the FIR against the petitioners. The petitioners are languishing in judicial custody since 03.12.2020. The petitioners have got no criminal antecedent which is mentioned in para 3 of the bail petition.

Learned APP for the State vehemently opposed the prayer for bail of the petitioners.



Considering the aforesaid facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each in connection with Karpi P.S. Case No. 47/2020 to the satisfaction of learned Court below where the case is pending/ successor Court.

(Anjani Kumar Sharan, J)

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