

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28078 of 2021**

Arising Out of PS. Case No.-362 Year-2020 Thana- KUDRA District- Kaimur (Bhabua)

1. ANIL KUMAR SINGH S/o Ramashis Singh Resident of Village- Horlapur, P.S.- Sonhan, District- Kaimur at Bhabua.
2. Shambhu Singh S/o Ishwardayal Singh Resident of Village- Puraini, P.S.- Kudara, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 25-11-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioners seek bail in connection with Kudra P.S. Case No. 362 of 2020 registered for the offence under Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code.

Seven to eight persons are alleged to have fired upon the informant, who is a police officer. On suspicion, he disclosed the name of his elder brother Shamshad Ali and Md. Nasim to be instrumental in the said firing.



Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. In fact, the petitioners have been made accused in this case merely on the basis of confessional statement of the co-accused and save and except the confession, no cogent material has come during course of investigation. Moreover, the co-accused, namely, Randhir Kumar and Diwakar Singh and Diwakar Singh @ Diwakar @ Manu Singh, having more or less similar allegation, have already been granted bail by a co-ordinate Bench of this Court vide order dated 30.04.2021 and 30.07.2021 passed in Cr. Misc. No. 23884 of 2021 and Cr. Misc. No. 26522 of 2021, respectively. The petitioner is rotting in judicial custody since 07.01.2021.

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

Considering the facts and circumstances of the case, let the, above named, petitioners be released 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 learned A.C.J.M.-VI, Kaimur at Bhabhua in connection with Kudra P.S. Case No. 362 of 2020 with the following



conditions:-

(1) 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 on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

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

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.

(Rajesh Kumar Verma, J)

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