

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39608 of 2020

Arising Out of PS. Case No.-79 Year-2020 Thana- HASPURA District- Aurangabad

1. BIPIN RAM @ BIPIN KUMAR Son of Mohan Ram Resident of Village- Phatehpur Tola Jhouribigha, P.O. Sihari, P.S.- Haspura, District- Aurangabad
2. MANISH KUMAR @ MANISH RAJ Son of Rameshwar Ram Resident of Village- Phatehpur Tola Jhouribigha, P.O. Sihari, P.S.- Haspura, District- Aurangabad

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Md. Ataul Haque, Advocate
For the Opposite Party/s	:	Mr. Arvind Kumar Pandey, APP
For the Informant	:	Mr. Harendra Kumar Singh, Advocate Mr. Ashok Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 22-03-2021 Heard learned Senior Counsel for the petitioners and the learned Counsel for the State as well as learned Counsel for the informant.

This Court would expect that the petitioners' Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in Haspura PS Case No. 79 of 2020 registered under Sections 147, 148, 149, 302 and 120B of the IPC.

There is allegation that altogether seven persons have stopped the informant while he was on his way. The allegation is that all the persons were variously armed. One co-accused Navin Ram is stated to have fired upon the deceased. Co-accused Ranjan Kumar has also allegedly fired upon Bimlesh Kumar.

Learned Senior Counsel representing the petitioners submits



that against petitioner No. 1 there is no allegation of firing and it is stated that he has exhorted co-accused to fire. About petitioner No. 2 other than alleging that he was part of the unlawful assembly no role whatsoever has been assigned in the allegation. The petitioners are on bail in Haspura PS Case No. 68 of 2016 and Haspura PS Case No. 94 of 1996. They are also accused in one more case Haspura PS Case No. 80 of 2020. In the instant case they are in custody since 10.4.2020.

Learned Counsel for the informant and the learned APP for the State have opposed the prayer for bail. It is stated that they have come to the place with the common intention and therefore cannot escape the criminality. In respect of petitioner No 1 it is stated that it is on his instigation that firing was resorted to by co-accused.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioners allowed.

Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Akhilesh Pratap Singh, Judicial Magistrate, 1st Class, Daugdnagatr in Haspura PS Case No. 79 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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