

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11301 of 2021**

Arising Out of PS. Case No.-123 Year-2020 Thana- CHANDI District- Bhojpur

1. MD. IMTIYAZ @ BICCHI Son of Late Maksud Alam Resident of Village-Roopchakia, P.S.-Chandi, District-Bhojpur.
2. Sonu Kumar @ Sonu Singh Son of Late Jitendra Singh Resident of Village-Roopchakia, P.S.-Chandi, District-Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Nath Sinha, Adv.

For the Opposite Party/s : Mr.(Dr.) Mrityunjaya Kr. Gautam, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

4 09-08-2021 In view of sudden resurgence of COVID-19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioners and the learned APP for the State.

This Court would expect that the petitioner's 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 Chandi PS Case No. 123 of 2020, registered under Sections 302, 384, 34 of the Indian Penal Code and Section 27 of Arms Act.



It is alleged that three unknown persons have attempted to loot the deceased and in the process fired upon him causing his death.

Learned counsel for the petitioners submits that petitioners are not named in the FIR. They have been falsely implicated in this case. Other than their own confessional statements, there is nothing on the record to suggest their involvement. There is no description of the motorcycle used in the occurrence. They are in custody since 18.08.2020.

Learned APP has opposed the prayer for bail and submits that Apache motorcycle used in the occurrence has been recovered from petitioners. Petitioners have criminal antecedents of similar nature.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioners is allowed. Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Ara in Chandi PS Case No. 123 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 petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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