

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12727 of 2021

Arising Out of PS. Case No.-316 Year-2020 Thana- KOILWAR District- Bhojpur

1. Aditya Kumar @ Vicky Son of Arbind Rai @ Arbind Kumar Resident of Village, Post and P.S.- Koilwar, District- Bhojpur.
2. Mohit Yadav @ Mohit Kumar Son of Bimal Yadav Resident of Village, Post and P.S.- Koilwar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ambuj Nayan Chaubey, Adv.

For the Opposite Party/s : Mr. Prabhat Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-01-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State through the virtual court proceeding.

Learned counsel for the petitioners undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 302, 201, 34 of the Indian Penal Code.

Allegation against the petitioners is that they killed the son of the informant.

It is submitted by learned counsel for the petitioners that petitioners are innocent and have been falsely implicated in this case. He submits that there is general and



omnibus allegation levelled against the petitioners. He submits that there is no eye witness to the present case and only on the basis of last seen, petitioners have been made accused. He submits that informant has filed this due to prior enmity in between Vicky and Rakesh (deceased). He further submits that petitioners have no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposed the prayer for bail and submits that offence under Section 302, 201/34 IPC against the petitioners is serious in nature.

Considering the facts and circumstances of the case and also the fact that there is no eye witness and only on the basis of suspicion, petitioner has been made accused, the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Koilwar P.S. Case No. 316 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and further conditions:



(1) that one of the bailors will be a close relative of the petitioners, who will give an affidavit giving genealogy as to who he is related with the petitioners. He 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 and every date fixed in the case and if they fail to do so on two consecutive dates their bail bonds shall be liable to be cancelled.

(III) that the petitioners will mark their attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of their bail bond.

(IV) that the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(Anjani Kumar Sharan, J)

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