

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10673 of 2022

Arising Out of PS. Case No.-197 Year-2021 Thana- AANDAR District- Siwan

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1. VIJAY SHANKAR GOND @ VIJAY SHANKAR SAH SON OF MADHAV SAH R/O VILLAGE- MIRPUR, P.S.- ANDAR, DISTRICT- SIWAN
 2. AJIT GOND @ AJIT KUMAR SAH SON OF VIJAY SHANKAR GOND @ VIJAY SHANKAR SAH R/O VILLAGE- MIRPUR, P.S.- ANDAR, DISTRICT- SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 13-09-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the State.

At the outset, the learned counsel for the petitioners has submitted that he has filed supplementary affidavit, but due to typographical, the word ‘counter’ has been typed in place of ‘supplementary’.

Let it be corrected.

The petitioners apprehend their arrest in connection



with Andar P.S. Case No. 197 of 2021 registered for offence punishable under sections 147, 148, 149, 341, 323, 324, 307, 302, 504, 506 of the Indian Penal Code and section 27 (1-B)a, 26, 27 of the Arms Act.

As per allegation, on 28.10.2021 at about 10:00 A.M., co-accused Om Prakash Gond started abusing the informant. On hue and cry, co-accused Upendra Gond, co-accused Mukesh Gond and the petitioners came there. Thereafter, Om Prakash Gond started firing. Satyadeo Gond sustained injuries and he died at the spot.

The learned counsel for the petitioners has submitted that co-accused Chhotelal Gond and Kirani Gond faced the trial in Session Trial No. 65 of 2022 and vide judgment and order dated 30.03.2022 passed by the learned Additional District and Sessions Judge-VIII, Siwan, they were acquitted, since prosecution failed to substantiate the allegation against them.

On the other hand, Mr. J.N. Thakur, the learned APP has submitted that the case of the petitioners cannot be equated with those, who have been acquitted by the learned Trial Court, as the petitioners absconded since investigation.

Considering the above-mentioned facts and circumstances and also considering that other co-accused have



been acquitted, the petitioners above-named, in the event of their arrest or surrender, within four weeks from today, are directed to be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-IV, Siwan in connection with Andar P.S. Case No. 197 of 2021, subject to condition as laid down under section 438(2) Cr. P.C.

The petitioners are directed to appear physically on each and every date before the court below, otherwise their bail bond shall be cancelled.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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