

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34452 of 2021**

Arising Out of PS. Case No.-326 Year-2020 Thana- BASOPATTI District- Madhubani

1. MUNNA SEHGAL @ DEEPAK KUMAR S/O LATE RAMA SHANKAR PRASAD @ RAMA SHANKAR SAH R/O VILLAGE-BASOPATTI WARD NO. 7, P.S-BASOPATTI, DISTRICT-MADHUBANI.
2. NIRAJ KUMAR MAHTO @ NIRAJ MAHTO S/O LATE RAM PRATAP MAHTO R/O VILLAGE-BASOPATTI WARD NO. 7, P.S-BASOPATTI, DISTRICT-MADHUBANI.
3. GOVIND SAH S/O MR. KUSHE SAH @ KUSHESHWAR SAH R/O VILLAGE-BASOPATTI WARD NO. 7, P.S-BASOPATTI, DISTRICT-MADHUBANI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

**Appearance :**

|                          |   |                                 |
|--------------------------|---|---------------------------------|
| For the Petitioner/s     | : | Mr. Ajay Kumar Thakur, Advocate |
|                          |   | Mrs. Vaishnavi Singh, Advocate  |
| For the Opposite Party/s | : | Mrs. Pushpa Sinha, APP          |

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

4      16-02-2022                      Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State in virtual court proceeding.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioners seek bail in connection with Basopatti P.S. Case No. 326/20 registered for the offences punishable under Section 394 of the IPC and 27 of the Arms Act.

As per prosecution case, the informant's son was shot



by the three unknown miscreants and thereafter, the miscreants took away the belongings of the informant's son.

Learned counsel for the petitioners submits that petitioners are not named in the FIR and they have falsely been implicated in the present case on the basis of suspicion. He further submits that till date the prosecution has not recorded the statement of injured person and police after investigation submitted charge sheet against the petitioners. Petitioners are in custody since 23.12.2020.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner no. 2 carries two criminal antecedent and petitioner no. 3 carries one criminal antecedent whereas petitioner no. 1 has clean antecedent.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, 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 the learned Chief Judicial Magistrate, Madhubani in connection with Basopatti P.S. Case No. 326/20, subject to 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 cancelled 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.

3. 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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