

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32381 of 2021

Arising Out of PS. Case No.-391 Year-2019 Thana- KHAJANCHI HAT District- Purnia

1. PANKAJ SAMRAT @ RAM CHANDRA SHARMA Son of Late Manik Chandra Sharma R/o Navratan Chowk, P.S.- Araria, District - Araria
2. Niraj Samrat @ Niraj Kumar Samrat Son of Late Manik Chandra Sharma R/o Navratan Chowk, P.S.- Araria, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.
Dr. Bidhu Ranjan, Adv.
For the Opposite Party/s : Mr. Chaubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 21-03-2022 Heard learned senior counsel for the petitioners and
learned Additional Public Prosecutor for the State.

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, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

While the informant was talking to his brother and father then petitioners along with other accused persons came riding on two motorcycles and started indiscriminate firing due to which father of the informant received gun shot injury and ultimately died.

It is submitted by learned senior counsel for the



petitioners that petitioners are innocent and have been falsely implicated in this case. He submits that as per FIR, the informant named six persons making allegation that indiscriminate firing was done but only one firearm injury was found. He submits that after investigation police has filed final form against the petitioners but the learned court below has taken cognizance on the basis of case diary. 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.

Considering the facts that police has filed the final form against the petitioners, 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 Suppl. K. Hat (Maranga) P.S. Case No. 391 of 2019, subject to the conditions:

(I) As laid down under Section 438 (2) of the Cr.P.C.

(II) 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.

(III) 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.

(IV) 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.

(V) 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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