

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38509 of 2021**

Arising Out of PS. Case No.-313 Year-2020 Thana- BEGUSARAI TOWN District- Begusarai

1. Deepak Kumar Son Of Late Charitra Mahto Resident Of Village- Parbanda, P.S.- Birpur, District- Begusarai.
2. Ojindra Kumar @ Bajindra Kumar Son of Ram Chandra Mahto Resident of Village- Barhara, P.S.- Birpur, District- Begusarai (Bihar).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Nakul Kumar Jamuar, Advocate

For the Opposite Party/s : Ms. Rita Verma, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 31-01-2022 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Ms. Rita Verma, learned APP for the State.

Petitioner in the present case is seeking regular bail in connection with Begusarai Town P.S. Case No. 313 of 2020 registered for the offences punishable under Sections 307/34 of the Indian Penal Code and Section 27 of the Arms Act and after supervision added Sections 147, 148, 149, 302/120(B) of the Indian Penal Code. The petitioners have no criminal antecedents and they are in custody since 08.02.2021.

Learned counsel for the petitioners submits that as per the prosecution story, while the informant was present at the ice



cream shop of Rohit Kumar, five persons boarded on two motorcycles came and all of them demanded ice cream from Rahul. When Rahul stood up to give ice cream, the co-accused Saurav Kumar took pistol from his waist and fired on the head of the victim from behind.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that these petitioners were only present along with other accused at the time of occurrence and no specific overt act has been alleged against them. It is further submitted that similarly situated co-accused have been granted bail. The petitioners have remained in custody since 08.02.2021 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the sole assailant of this case is co-accused Saurav Kumar, so far as these petitioners are concerned, they are said to be present along with other accused at the time of occurrence but similarly situated accused namely Rajesh Kumar and Kundan Kumar have been granted bail in Cr. Misc. No. 39734 of 2020 and Cr. Misc. No. 1257 of 2021 respectively, the petitioners have



remained in custody since 08.02.2021, they have otherwise no criminal antecedent as stated in paragraph '3' of the present application, this Court directs release of the petitioners above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Begusarai Town P.S. Case No. 313 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

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 antecedents, 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

