

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53839 of 2021

Arising Out of PS. Case No.-6 Year-2021 Thana- BAKHTIYARPUR District- Patna

Pankaj Kumar, S/o Karu Yadav @ Karu Rai @ Karu Singh, R/o village-
Madhopur, P.S.- Bakhtiyarpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 30181 of 2022

Arising Out of PS. Case No.-6 Year-2021 Thana- BAKHTIYARPUR District- Patna

Shakti Singh, S/o Shiv Shankar Singh, R/o village- Budhara, P.S.-
Athmalgola, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 53839 of 2021)

For the Petitioner/s : Mr. Tej Narayan Singh, Advocate
Mr. Satyendra Pd. Singh, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 30181 of 2022)

For the Petitioner/s : Mr. Sanjay Prasad, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 24-08-2022 Both the bail applications arise out of the same police station case, they have been heard together and are being disposed of by this common order.

Learned counsel for the petitioners are permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard learned counsel for the petitioners and learned APP for the State.



The petitioners seek regular bail, who are in custody in connection with Bakhtiyarpur P.S. Case No. 06 of 2021 registered for the offences punishable under Sections 341, 323, 354(A), 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, it is alleged that on 04.01.2021, at about 11.30 AM, four miscreants entered into the tent of the informant and others and thereafter on the point of pistol they started misbehaving with the family members of the informant and when it was objected, the accused persons started assaulting them. It is further alleged that when the informant raised hulla, the accused persons started fleeing away and in course of fleeing they also resorted to firing, due to which the mother of the informant sustained firearm injury and later on she died.

Learned counsels appearing on behalf of the petitioners submit that from the tenor of the F.I.R., it is evident that on hulla the police came at the place of occurrence and thereafter they chased the miscreants and in course of chasing they identified them in the torch light/street light. It is further submitted that both the petitioners have been arrested by the police just few days after the occurrence, but they have not been



put on TIP nor identified by the informant or any of the family members that it is they, who have committed the occurrence. It is also submitted that save and except the disclosure made by the police official, there is no other witness, who have stated about the complicity of the petitioners in the present case and moreover the petitioners are in custody since 07.01.2021 and 02.04.2021 respectively. It is lastly submitted that the investigation of the crime is already completed and the charge-sheet has been submitted and the petitioners are giving undertaking that they will remain physically present during the course of trial. It is also submitted that general and omnibus allegation has been levelled against all the accused persons and no specific allegation has been attributed against the petitioners.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioners were identified by the police while fleeing from the place of occurrence.

Having regard to the submissions made on behalf of the parties and considering the general and omnibus nature of allegation as well as the fact that though they have been identified by the police, but have not been put on TIP nor their identification has been disclosed by any of the family members



of the informant and the petitioners are in custody for more than one year, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Barh, Patna in connection with Bakhtiyarpur P.S. Case No. 06 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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