

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35834 of 2022

Arising Out of PS. Case No.-208 Year-2022 Thana- DANAPUR District- Patna

Pintu Mian @ Azad Hussain Son of Md. Ikbal Hussain Resident of Dujra,
P.S.- Budha Colony, District - Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 36639 of 2022

Arising Out of PS. Case No.-208 Year-2022 Thana- DANAPUR District- Patna

Raju Kumar @ Raju Gope Son Of Satya Narayan @ Satya Narayan Rai @
Satya Narayan Ray Resident Of Village- Ramjee Chak, P.S.- Digha, District-
Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 61266 of 2022

Arising Out of PS. Case No.-208 Year-2022 Thana- DANAPUR District- Patna

Manoj Kumar @ Manoj Rai Son of Late Gajadhar Rai R/v- Chitrauni, P.S.-
Dhanarua, District- Patna. At present residing in the house of Munchun Rai,
before the Masjid, Mainpura, P.S.- Pataliputra, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 35834 of 2022)
For the Petitioner/s : Mr. Nikhil Singh, Adv.
For the Opposite Party/s : Mr. Madan Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 36639 of 2022)
For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.
For the Opposite Party/s : Mr. Anil Kumar, APP
For the Informant/s : Mr. Dhananjay Kr. Tiwari, Adv.
(In CRIMINAL MISCELLANEOUS No. 61266 of 2022)
For the Petitioner/s : Mr. Anuj Kumar, Adv.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 01-12-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with
Danapur P.S. Case No. 208 of 2022 lodged under Sections 302,
34, 120(B) of the I.P.C. read with Section 27 of the Arms Act.

As per the prosecution case, the F.I.R. has been filed
against 4 unknown criminals against whom the allegation of
indiscriminate firing upon the informant's husband are there due
to which he died. In the F.I.R., the activities, the probability to
identity the criminals from C.C.T.V. situated in front of the
house in a shop has been mentioned by the informant.

Learned counsel for the petitioners submit that the
petitioners are not named in the F.I.R. and their name have
figured in this case by virtue of the confessional statement of
one Raju Kumar (who is petitioner of second case). Counsel for
petitioner of first case (Cr. Misc. No. 35834 of 2022) submits
that the antecedent of the petitioner is not clean. There are 5
criminal cases pending against him and in one case he has been

acquitted and in rest 4 cases he is on bail. Counsel submits that he is in custody since 05.04.2022 (wrongly mentioned in the petition as 02.04.2022), charge sheet has already been filed in this case. Counsel for petitioner of second case (Cr. Misc. No. 36639 of 2022) submits that his name has figured in this case by virtue of self-confession, while in police custody, in which he has been shown to work as liner of this crime. Counsel for petitioner submits that he is in custody since 05.04.2022, charge sheet has already been filed in this case.

Counsel for petitioner of third case submits that he is not named in the F.I.R. but his name has come on the confessional statement of the co-accused Raju Kumar and he is in custody since 30.04.2022 having 2 criminal antecedent in which in one case he is on bail and in another case is persuading for bail. Upon specific query from the counsels that whether charge has been framed or not, it has been submitted that they are not in a position to inform that whether charge has been framed or not.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to

the petitioners but liberty is hereby granted that they may renew their prayer for bail 4 months from today.

The Trial Court is directed to expedite the trial as earliest as possible and if trial shall not be concluded within 4 months, the Trial Court is directed to release all the petitioners on bail imposing conditions so that they may not evade their appearance during trial.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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