

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36543 of 2022

Arising Out of PS. Case No.-291 Year-2021 Thana- ALOULI District- Khagaria

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1. RAVI KANT KUMAR SON OF PREM CHANDRA YADAV R/O- VILL-BARI SIMRAHA P.S.- ALAULI, DIST.- KHAGARIA
 2. SHASHI KANT KUMAR SON OF PREM CHANDRA YADAV R/O-VILL- BARI SIMRAHA P.S.- ALAULI, DIST.- KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhim Kumar Yadav, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-10-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 341, 323, 307, 326, 504, 34 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioners are said to have shot fire upon the head of the niece of the informant resultantly he died.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that there is general and omnibus allegation against the petitioners rather the specific allegation of inflicting gun shot injury to



the niece of the informant is attributed to the co-accused, Prem Chandra Yadav and these petitioners are caught hold the deceased. He further submits that there is land dispute between the parties on account of that scuffle took place between them for which case and counter case has also been lodged by both the parties. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner, namely, Ravi Kant Kumar and Shashi Kant are rotting in judicial custody since 02.08.2021 and 03.08.2021, respectively.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner, Ravi Kant Kumar, is having one criminal antecedent whereas the petitioner No2, namely, Shashi Kant Kumar bears clean antecedent.

Considering the facts and circumstances of the case, let the, above named, petitioners 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 learned Court below where the case is pending in connection with Alauli P.S. Case No. 291 of 2021 with 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 canceled 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.

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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