

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46408 of 2021

Arising Out of PS. Case No.-52 Year-1991 Thana- ROH District- Nawada

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1. Naresh Rajvanshi Son of Late Kashi Rajvanshi Resident of village - Chhotaki Duari, P.S.- Roh, Distt.- Nalanda.
 2. Jamuna Rajvanshi @ Jamuna Ram Son of Late Bale Rajvanshi Resident of village - Chhotaki Duari, P.S.- Roh, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj, Advocate.

For the Opposite Party/s : Mr. Rajiv Nayan, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 05-07-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Krishna Deo Raj, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Roh P. S. Case No. 52 of 1991 registered for the offences punishable under Sections 147, 148, 149, 302, 307, 323, 324, 379 of the Indian Penal Code and Section 27 of the Arms Act.



As per the prosecution case, it is alleged that while the informant was watching his paddy crops, 200 accused persons inducing the petitioners came on the spot having weapons in their hands and started looting the paddy crops. It is further alleged that when the informant protested thereupon, they made indiscriminate firing due to which one Anil Singh succumbed to injury and Upendra Singh also sustained firearm injury.

Learned counsel appearing on behalf of the petitioners submitted that the F.I.R. has been instituted against 200 persons, there is general an omnibus allegation against all the accused persons and no specific allegation has been attributed against the petitioners. It is further submitted that the case is of 1991 but the Police had not gone to arrest the petitioners and moreover, the petitioners are very poor persons, doing labour work at Kanpur brick klin for their livelihood. It is also submitted that during the course of investigation, no specific or cogent material has come against the petitioners and moreover, the petitioners having clean antecedent and are in custody since 22.10.2020.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioners



remain absconded for more than thirty years but he fairly submits that the petitioners have already remained in custody since 22.10.2020 and the charge-sheet has been submitted.

Having considered the submissions made on behalf of the parties and taking into account the fact that there is general and omnibus nature of allegation in as much as the F.I.R. has been instituted against 200 persons and no specific allegation has been levelled against the petitioners, who are in custody since 22.10.2020, though the charge-sheet has been submitted, let the petitioners, above named, 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 Judicial Magistrate 1st Class, Nawada in connection with Roh P. S. Case No. 52 of 1991, subject to the condition that one of the bailors will be the close relative 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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