

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47860 of 2021**

Arising Out of PS. Case No.-268 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

1. NANDAN JHA @ NANDAN KUMAR @ NANDAN KUMAR JHA Son of Surendar Jha
2. Kundan Jha @ Kundan Kumar @ Kundan Kumar Jha @ Gunjan Kumar Son of Surendar Jha.
Both Resident of Village - Baghari, Ward no. 13, P.S. - Runnisaidpur, District - Sitamarhi -843323.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subodh Kumar, Adv
For the Opposite Party/s : Mr.A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

7 12-05-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

A supplementary affidavit, carrying out necessary correction in the main petition, has been filed on behalf of the petitioners, which is kept on record.

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

Petitioners seek bail in a case registered for the offences punishable under Sections 341, 323, 307,447, 324/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, in short, is that on 19.06.2020



at 8.00 AM the petitioners alongwith other co-accused persons variously armed with pistol, Kattta , Nalkatua as well as Lathi came at the residential place of the informant at Baghari and asked to come out from the house, upon which his grandson Shivam Kumar and Granddaughter Khusi Kumari and daughter Kiran Devi came out from the house, thereafter petitioner Kundan Jha opened fire upon Shivam Kumar and caused firearm injury in his hand and waist as well as petitioner Nandan Kumar Jha opened fire upon Khusi Kumari and non-petitioner Sourabh Singh inflicted Lathi blow to his wife Kiran Devi on the instigation of co-accused Surendra Jha. The cause of occurrence is quarrel with his son-in-law and accused Mukund Kumar.

Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in the present case. He further submits that the date of occurrence as mentioned in the FIR is 20.06.2020 and the present FIR has been instituted on 21.06.2020 without any explanation of delay. He further submits that it appears from the case diary that there is no injury in the case diary and the police after investigation submitted chargesheet without injury report on 17.10.2020. It appears from the impugned order that the I.O. has submitted the



injury report on 24.03.2021 after filing of the chargesheet. He further submits that the petitioners are in custody since 22.10.2020.

Learned counsel for the informant as well as learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioners and submits that the trial is going on and out of six chargesheet witnesses, four witnesses have already been examined. He further submits that the petitioners carry two more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioners, above named, 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 Runnisaidpur P.S. Case No. 268 of 2020, 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 bonds shall be cancelled 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 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.

(Rajesh Kumar Verma, J)

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