

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23979 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- KHAJANCHI HAT District- Purnia

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Aayush Gupta @ Aayush Kumar S/o Late Shambhu Kumar Sah Resident of
Village- Parora Ward No.10, P.S.- K. Nagar, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 39391 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- KHAJANCHI HAT District- Purnia

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Gaurav Kumar Son of Sanjay Roy Resident of village - Parora Ward no. 11,
P.S. - K. Nagar, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 39662 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- KHAJANCHI HAT District- Purnia

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Chumki Das Son of Mohanchandra Das R/o village - Satsang Vihar, Maranga,
Ward No.- 9, P.S.- K. Hat (Maranga), District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 23979 of 2022)

For the Petitioner/s : Mrs. Soni Shrivastava, Adv. with
Mr. Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP and
Mr. Ramesh Chandra, APP

(In CRIMINAL MISCELLANEOUS No. 39391 of 2022)

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr. Ramesh Chandra, APP

(In CRIMINAL MISCELLANEOUS No. 39662 of 2022)

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Adv. with
Mr. Dr. Bidhu Ranjan, Adv. and

For the Opposite Party/s : Mr. Kumar Rajdeep, Adv.
Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 10-11-2022 Learned counsel for the petitioner of third case submits that due to inadvertence, the word female has been typed as male and, therefore, seeks permission to remove the defect.

Permission granted to remove the defect in course of the day.

Heard learned counsels for the petitioners and learned A.P.Ps. for the State.

The petitioners seek regular bail in connection with K. Hat (Maranga) P.S. Case No. 01 of 2022 lodged under Section 302 of the I.P.C. read with Section 27 of the Arms Act.

As per the prosecution case, one Munna Uraon reached at the house of the informant and communicated that Mohan Chandra Das (deceased) is bleeding from his mouth and head and lying in the medical store. The informant immediately went to the medical store and seen that his brother (deceased) was bleeding from head and mouth. Blood was oozing from the forehead and above the left eye brow. Informant with the help of villagers took his brother to the Sadar Hospital where the doctor told that his brother died. The informant filed a criminal case

against unknown accused persons that the criminals shot fire arm and killed his brother.

Learned counsels for the petitioners submit that present F.I.R. has been filed against unknown accused persons and name of petitioners have figured in this case by virtue of the confessional statement of co-accused.

Counsel for petitioner of third case submits that the petitioner is wife of the deceased. He submits that the only extreme allegation made in the investigation is that the petitioner was in an extra marital affair and used to talk on mobile, except the C.D.R. there is nothing cogent found against the petitioner.

Counsel for petitioners of second and third case submit that their names have figured in this case only and only by the confessional statement of the co-accused and nothing cogent has been found in support of the confessional statement.

Learned counsels for the petitioners submit that all the accused persons are in custody since 23.02.2022. The criminal antecedent of the petitioner of first case is clean, the antecedent of the petitioner of second case having 2 criminal cases and in both the cases he is on bail whereas the antecedent of the petitioner of third case is also clean.

Counsels for the petitioners further submit that they are ready to fulfill all the conditions whatsoever shall be imposed upon them by the Court.

Learned counsel for the State opposes the prayer for bail and submits that there are confessional statement of the co-accused and also on the basis of C.D.R. report, it transpires that accused persons were present near the place of occurrence but upon specific query that whether any cogent material or any articles used in crime have been recovered.

Learned counsel for the State submits that there is no such material available in the case diary.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with K. Hat (Maranga) P.S. Case No. 01 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates

without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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