

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 40435 of 2022

Arising Out of PS. Case No.-147 Year-2021 Thana- KISHUNPUR District- Supaul

1. Md. Mukhtar S/O Md. Sagir Resident of Village- Fulkaha, P.S.- Jadia, District- Supaul.
2. Md. Juber S/O Late Md. Immamul Resident of Village- Fulkaha, P.S.- Jadia, District- Supaul.
3. Md. Sakil S/O Md. Hassan Resident of village- Narpatganj, P.S.- Narpatganj, P.S.- Narpatganj, District- Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Adv.

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 23-11-2022 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
Sessions Trial No. 62 of 2022 arising out of Kishanpur P.S. Case
No. 147 of 2021 lodged under Sections 302/34 of the I.P.C. read
with Section 27 of the Arms Act.

As per the prosecution case, the informant has
disclosed that he is the driver of delivery vehicle of Durga
Medical Agency. On the night of 21.07.2021, he alongwith other

staff of agency were going to deliver the medicines in the different medical stores. In return, 4 accused persons sitting on 2 motorcycles have fired in the head of co-staff sitting in the delivery vehicle with him. In result, Anil Kumar Rawat injured. He was admitted to the nearest hospital from where he was referred to Patna. Subsequently, he died.

Learned counsel for the petitioners submit that petitioners are innocent and have committed no offence. Counsel submits that the F.I.R. has been lodged against 4 unknown accused persons. Nothing was recovered from their possession and they were not put on T.I.P. Counsel submit that petitioners are in custody since 31.08.2021. Counsel further submits that petitioner no. 1 has 6 criminal antecedent whereas petitioner no. 2 and 3 have 7 criminal antecedent.

Learned counsel for the State opposes the prayer for bail and submits that there are antecedents of all the petitioners and all are of same nature. Upon specific query that whether charge has been framed or not, counsel submits that as per his knowledge charge has not been framed.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioners, therefore, their bail petitions are hereby rejected.

However, liberty is hereby granted to the petitioners that they may renew their prayer for bail 9 months after framing of charge.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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