

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55508 of 2021

Arising Out of PS. Case No.-262 Year-2021 Thana- KANTI District- Muzaffarpur

1. Aman Kumar Son Of Arjun Pandit R/O Village- Kishun Nagar, P.S.- Kanti, Dist.- Muzaffarpur
2. Arjun Pandit Son Of Late Banwari Pandey R/O Village- Kishun Nagar, P.S.- Kanti, Dist.- Muzaffarpur
3. Puja Devi Wife Of Aman Kumar R/O Village- Kishun Nagar, P.S.- Kanti, Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjana, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-04-2022 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State through video conferencing.

The present application has been filed on behalf of the petitioners, above named, for grant of regular bail in connection with Kanti P. S. Case No. 262 of 2021 registered for the offences punishable under Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that on the alleged date of occurrence, while the husband of the informant was coming from the market, in the way, all the accused persons intercepted



him and on instigation of the co-accused, Brajesh Kumar has fired upon Niteshwar Pandey, who sustained gun shot injury.

Learned counsel for the petitioners submits that except general and omnibus allegation, no overt act has been attributed against these petitioners.

Further, it has been submitted by the learned counsel for the petitioners that the petitioner no. 3 is a lady, petitioner no. 2 is aged about 82 years and so far as the petitioner no. 1 is concerned, there is no allegation of any overt act against him. He also submits that the petitioners have no criminal antecedents.

On the other hand, learned APP for the State submits that firing has taken place on the dictate of these petitioners, as such, he opposes the bail application of these petitioners.

Considering the submissions made on behalf of the petitioners and taking into account that the firing was made by co-accused Brajesh Kumar and there is no allegation of any overt act against these petitioners and moreover they have clean antecedent and are rotting in jail since 05.04.2021, let these petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional



Chief Judicial Magistrate, 2nd (west), Muzaffarpur in connection with Kanti P. S. Case No. 262 of 2021 with the following conditions:

(a) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and in case of their absence on two consecutive dates without cogent reason, their bail bonds shall be cancelled by the Court below.

(b) 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.

(Harish Kumar, J)

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