

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56268 of 2021

Arising Out of PS. Case No.-27 Year-2021 Thana- KARAI PARSURAI District- Nalanda

1. Sudarshan Prasad Son Of Late Ramdeo Prasad
2. Sadan Prasad Son Of Late Ramdeo Prasad
3. Vivekanand Prasad Son Of Mr. Sudarshan Prasad
All R/O Village- Bahapar, P.S.- Karaiparsurai, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shivam, Adv
For the Opposite Party/s	:	Mr.Satyendra Narayan Singh, APP
For the Informant	:	Mr. Kunwar Ajit Singh, Adv

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-04-2022 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.

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

Petitioners seek bail in a case registered for the offences punishable under Sections 341, 342, 323, 504, 506, 307, 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

As per FIR, on 16.02.2021 when informant along with his younger brother was returning to his home, petitioners alongwith other accused abused them. When the informant



forbade to do so, the accused persons started firing. In that firing, brother of the informant died.

Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in the present case. He further submits that it appears from the FIR that there is general and omnibus allegation. He further submits that it appears from the FIR that there is direct allegation against co-accused, namely, Vikash Kumar, who shot the brother of the informant. He further submits that the present FIR is counter blast of Karaiparsurai P.S.Case No.23 of 2021 lodged by co-accused, namely, Ramakant Prasad against the family members of the informant. He further submits that co-accused, namely, Dharmsheela Devi and Sita Kumari have been granted bail vide order dated 22.12.2021 in Cr. Misc. No.40656 of 2021 by this Hon'ble Court and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 17.02.2021.

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 petitioner No.3 is the master mind of the alleged occurrence and he further submits that the charge has been framed and the trial is going on. He further



submits that the petitioners carry one more case other than the present one.

Considering the aforesaid facts, 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 Karai Parsurai P.S. Case No. 27 of 2021, 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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