

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51801 of 2021**

Arising Out of PS. Case No.-248 Year-2020 Thana- HATHAURI District-
Muzaffarpur

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Vijay Kumar Son Of Surendra Prasad Resident Of Village- Shivrahan,
Chaturbhuj, P.S.- Ahiyapur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with

CRIMINAL MISCELLANEOUS No. 56516 of 2021

Arising Out of PS. Case No.-248 Year-2020 Thana- HATHAURI District-
Muzaffarpur

=====

Raja Kumar Son Of Mahendra Singh R/O Village- Khanpur, P.S.- Ahiyapur,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 51801 of 2021)

For the Petitioner/s : Mr. Vinay Ranjan, ADvocate

For the State : Mrs. Rita Verma, APP

(In CRIMINAL MISCELLANEOUS No. 56516 of 2021)

For the Petitioner : Mr. Sanjay Parasmani, Advocate

For the State : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

5 25-04-2022

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 and learned
APP for the State.



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

As per prosecution case, in brief, is that on 29.10.2020 at about 12:20 PM Satyanarayan Sahni and some unknown persons moved two to four round around informant's cloth shop. After 20 minutes Raushan Kumar and one unknown person entered into the informant's shop wearing mask and helmet. At that time informant went out from his shop to eat some food. After entering into the shop accused fired on the informant's son namely Sudhir Kumar and fled away. When the informant was bringing his son to S.K.M.C.H. Muzaffarpur for treatment but he died on the way.

Learned counsel for the petitioners submits that the petitioners are not named in the F.I.R. but his name has transpired on the basis of the confessional statement of co-accused Sunil Kumar Singh and Pankaj Kumar. He further submits that except the confessional statement of co-accused no other evidence or any material has come against the petitioners during investigation and police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 15.04.2021.



Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail **after framing of charge** on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Hathauri P.S. Case No. 248 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 tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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