

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60041 of 2021

Arising Out of PS. Case No.-687 Year-2020 Thana- ARA NAWADA District- Bhojpur

1. Rahul Kumar @ Jaikar @ Rahul Kumar Jaikar, Son of Jai Kumar Chandravanshi @ Jai Kumar Resident of Mohalla- Maulabagh, P.S.- Ara Nawada, District- Bhojpur (Ara).
2. Vishanu Kumar @ Vishnu Kumar, Son of Jai Kumar Chandravanshi @ Jai Kumar, Resident of Mohalla- Maulabagh, P.S.- Ara Nawada, District- Bhojpur (Ara).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Vardhan Narayan, Advocate
For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-04-2022 Learned counsel for the petitioners is permitted to make necessary correction in para.1 of the petition.

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

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

The petitioners seek regular bail, who are in custody in connection with Arra (Nawada) P.S. Case No. 687 of 2020 for the offences punishable under Sections 341, 323, 324, 326, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.



As per prosecution case, it is alleged that on 05.09.2020, while the informant was sitting in a tea stall, all the named accused persons, including these petitioners started assaulting him with knife causing serious injuries. It is further alleged that one Bade @ Pushpendra Kumar fired at the informant with country made pistol over his right arm, due to which he sustained injuries.

It is submitted on behalf of the learned counsel for the petitioners that there is general and omnibus allegation against all the accused persons including these petitioners, except co-accused Bade @ Pushpendra Kumar, who was having serious allegation of firing upon the informant, though he has been enlarged on default bail, as the police failed to file charge-sheet within the time prescribed. It is further submitted that even as per the injury report, which has been prepared in a private clinic/hospital, it appears that most of the injuries have been found to be lacerated, which does not corroborate the allegations made in the F.I.R. It is next submitted that these petitioners have no criminal antecedent and are in custody since 27.06.2021. It is lastly submitted that investigation has already been concluded and charge-sheet has also been submitted in the present case.

On the other hand, learned APP for the State



vehemently opposes the bail application and submits that the informant has suffered ten injuries on his person.

Having considered the submissions made on behalf of the parties and taking into consideration this fact that there is general and omnibus allegation against all the accused persons, except against one co-accused, and most of the injuries have been found to be lacerated and these petitioners are in custody since 27.06.2021, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhojpur, Arrah in connection with Arrah (Nawada) P.S. Case No. 687 of 2020 subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates



without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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