

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39866 of 2022

Arising Out of PS. Case No.-295 Year-2021 Thana- KUMAR KHAND District- Madhepura

Mantosh @ Bengwa Son Of Late Kariyadev, Resident Of Belha (Gopalpur),
P.S.- Kumarkhand (bhatani O.P.), District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54804 of 2022

Arising Out of PS. Case No.-295 Year-2021 Thana- KUMAR KHAND District- Madhepura

Ravikant Kumar @ Raja S/O Ratnesh Kumar Yadav, R/O Village- Shivanagar
Pariya, Ward No.- 3, P.S.- Kumarkhand, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 39866 of 2022)

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

(In CRIMINAL MISCELLANEOUS No. 54804 of 2022)

For the Petitioner/s : Mr. Barun Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 24-11-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsels for the petitioners and learned
A.P.Ps. for the State.

The petitioners seek regular bail in connection with
Kumarkhand P.S. Case No. 295 of 2021 lodged under Sections

307 and 393/34 of the I.P.C. read with Section 27 of Arms Act.

As per prosecution, allegation against 9 unknown accused persons who have surrounded the informant when he was returning back to his shop after collecting money by his motorcycle in the evening of 24.10.2021 and snatched his motorcycle and when did not get money made fire on the informant. They also assaulted by the *butt* of the pistol thereupon the informant was injured and admitted to hospital. The informant has claimed to identify the said criminals.

Learned counsels for the petitioners submit that petitioners are innocent and have committed no offence. Counsels further submit that the F.I.R. has been lodged against 9 unknown accused persons and the name of present petitioners have figured in this case by virtue of the confessional statement of one Gautam Kumar. Counsels further submit that neither incriminating was recovered nor petitioners were put on T.I.P.. Counsels further submit that petitioners are ready to fulfill all the conditions whatsoever shall be imposed upon them by the Court. Counsels further submit that there are in total 7 cases pending against the petitioner, namely, Mantosh @ Bengwa in which he is on bail and there are in total 4 cases pending against the petitioner, namely, Ravikant Kumar @ Raja, in which in one

case he is on bail and in rest cases he is persuading for bail.

Learned counsels for the State opposes the prayer for bail and submits that there are criminal antecedents of the petitioners. Upon specific query that whether there is any recovery or any incriminating article recovered upon the confessional statement of Gautam Kumar, counsels for the State submit that no any recovery.

In the present facts and circumstances of the case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Madhepura in connection with Kumarkhand P.S. Case No. 295 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of their bail bonds.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the

petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that they shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of their present bail bonds.

With this observation, the bail applications stand allowed.

(Dr. Anshuman, J.)

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