

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70214 of 2021

Arising Out of PS. Case No.-269 Year-2021 Thana- DAGARUA District- Purnia

1. BIMAL KUMAR @ VIMAL KUMAR
2. Hariom Kumar
Both Sons of Ravindra Thakur
Both Resident of Village - Ekamba, P.S.- Jalalgarh, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh, Adv
For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 28-04-2022 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 the learned A.P.P. for the State.

The petitioners seek bail in connection with Dagaruwa P.S.Case No. 269 of 2021 registered for the offence under Sections 147, 148, 149, 341, 323, 307, 302, 504, 506, 120(B) of the Indian Penal Cod and Section 27 of Arms Act.

The prosecution case, in short, is that on 20.09.2021 the informant's husband and son were going to



his field and in a pre-planned manner, the accused persons including the present petitioners were waiting for them. All accused persons attacked them and the co-accused Abhay Kumar Thakur, at the command of the petitioners opened fire upon them and killed the informant's son Saroj Yadav and when her husband tried to save his son, he too was fired upon twice causing two bullet injury to both the victims.

Learned counsel appearing for the petitioners submits that petitioners have clean antecedent. They have falsely been implicated in the present case. He further submits that it appears from the FIR that the allegation of assault is against co-accused, namely, Abhay Kumar Thakur @ Sashi. He further submits that there is no specific allegation of overt-act against the petitioners rather there is general and omnibus allegation. He further submits that the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 21.09.2021.

Learned counsel for the informant and learned A.P.P. for the State have vehemently opposed the prayer for bail of the petitioners and submits that the petitioners are named in the FIR.

Considering the facts and circumstances of the case,



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 the learned court below where the case is pending in connection with Dagaruwa P.S.Case No. 269 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)

Nitesh/-

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