

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71352 of 2021

Arising Out of PS. Case No.-124 Year-2021 Thana- BAKHTIYARPUR District- Patna

1. DURGA KUMAR ALIAS DURGI KUMAR SON OF AKARAM RAI
RESIDENT OF VILLAGE- NAYATOLA DEDAUR , P.S-
BAKHTIYARPUR, AND DIST- PATNA
2. BIKASH KUMAR ALIAS BIKKI KUMAR SON OF AKARAM RAI
RESIDENT OF VILLAGE- NAYATOLA DEDAUR, P.S-
BAKHTIYARPUR, AND DIST- PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar Pandey Mr.N.K. Agrawal Mr.Ravindra Kumar
For the Opposite Party/s :		Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 17-10-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with
Bakhtiyarpur P.S. case No. 124 of 2021, registered for the
offences punishable under Sections 302 and 201 of the I.P.C.

As per prosecution case, informant's brother was
murdered by unknown persons.

Learned counsel for the petitioners submits that
petitioners are not named in the FIR, during the course of



investigation, in para 51 of the case diary, their name have been surfaced on the basis of confessional statement of Gujjal Rai. Except confessional statement of co-accused Gujjal Rai there is nothing on record to demonstrate the complicity of petitioners with the alleged occurrence. Petitioners are in custody since 31.08.2021 and petitioners bear no criminal antecedent. He further submits that there is no eye witness to the alleged occurrence. No incriminating article has been recovered from the possession of the petitioners.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M III, Barh, District-Patna in connection with Bakhtiyarpur P.S. Case No. 124 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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