

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18 of 2022

Arising Out of PS. Case No.-304 Year-2021 Thana- GAURICHAK District- Patna

RAHUL KUMAR @ RAHUL KUMAR SAHANI SON OF NAWAL KEWAT
R/O - RAMPUR, P.S.- GAURICHAK, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 5169 of 2022

Arising Out of PS. Case No.-304 Year-2021 Thana- GAURICHAK District- Patna

VINAY SINGH @ VINAY KUMAR SINGH SON OF LATE TEJ
NARAYAN SINGH PERMANENT RESIDENT OF SAIDANPUR, P.S.-
GAURICHAK, DISTRICT- PATNA, PRESENTLY RESIDING AT
CHANAKYA NAGAR, P.S.- AGAMKUAN, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 18 of 2022)

For the Petitioner/s : Mr.Usha Kumari Singh, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, Adv.

(In CRIMINAL MISCELLANEOUS No. 5169 of 2022)

For the Petitioner/s : Mr. Ajay Kumar Thakur, Sr. Adv.

Mr.Sanjiv Sharan, Adv.

For the Opposite Party/s : Mr.Umeshanand Pandit, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 11-07-2022 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



Gaurichak P.S. Case No. 304 of 2021 registered for the offences punishable under Sections 302 of the Indian Penal Code read with 27 of the Arms Act.

As per prosecution case, the informant got information on his mobile that his son has been killed near village Kaligaon then the informant reached there and show his son was killed.

Learned counsel for the petitioners submits that the petitioner namely Rahul Kumar alias Rahul Kumar Sahani, son of Nawal Kewat is in custody since 10.08.2021 and petitioner namely Vinay Singh alias Vinay Kumar Singh, son of Late Tej Narayan Singh is in custody since 06.08.2021. Petitioners bear no criminal antecedent. Charge-sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the F.I.R. was lodged against unknown persons. The petitioners are not named in the F.I.R. rather name of the petitioners has come in the course of investigation. During investigation several persons including father, mother and sister of the deceased were examined but no one has named the petitioners and even no one has claimed to see the petitioners with deceased prior to the occurrence or at the time of



occurrence. It is further submitted that police merely on suspicion apprehended the present petitioners. No incriminating material has been recovered from the possession of the petitioners. No arms has been recovered from the possession of the petitioners, hence, no case under Section 27 of the Arms Act is made out against the petitioners. One of the co-accused persons has already granted bail by the co-ordinate bench and the case of the present petitioners stand on similar footing.

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 as well as period of custody and keeping in view clean antecedent of petitioners, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, petitioners are not named in the F.I.R., no incriminating material has been recovered from the possession of the petitioners, nature of allegation, one of the co-accused persons has already granted regular bail by the co-ordinate bench 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., Vith, Patnacity in connection with Gaurichak P.S. Case No. 304 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 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)

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