

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1131 of 2022

Arising Out of PS. Case No.-239 Year-2021 Thana- BHABHUA District- Kaimur (Bhabua)

VIRANJAN PATEL @ BIRANJAN PATEL S/o Arun Kumar Singh @ Arun
Patel R/o Village- Kudasan, P.S.- Bhabua, District- Kaimur (Bhabua).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 1270 of 2022

Arising Out of PS. Case No.-239 Year-2021 Thana- BHABHUA District- Kaimur (Bhabua)

MOHAN PATEL Son of Sarayu Patel Resident of Village- Kudhasan @
Kurashan, P.S.- Bhabua, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 1131 of 2022)

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/s : Mr.Shyameshwar Dayal

(In CRIMINAL MISCELLANEOUS No. 1270 of 2022)

For the Petitioner/s : Mr.Rajani Kant Pandey

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 18-07-2022 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
Bhabua P.S. Case No. 239 of 2021 registered for the offences



punishable under Sections 341, 323, 324, 307, 504/34 of the Indian Penal Code read with 27 of the Arms Act.

As per prosecution case, petitioners and others came to the house of informant and started abusing. When the informant came out from his house then the petitioners and others started abusing and assaulting him. In the meantime, Virnajan Patel (Petitioner No. 1) gave order to shoot the informant upon which Mohal Patel and co-accused Munna Tiwari took out pistol in their hand. Informant caught hold the hand of Mohan Patel and Munna Tiwari fired upon the informant which hit above the waist of informant, thereafter, all accused persons fled away.

Learned counsel for the petitioners submits that petitioners are in custody since 02.11.2021. Petitioner No. 1 bears criminal antecedent of one case, however, he was also accused in another case in which he has been acquitted by the learned court below as mentioned in supplementary affidavit. And petitioner no. 2 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 Petitioner No. 1 Viranjan Patel is merely an order giver as alleged in the F.I.R. there is no specific over-act



against petitioner no. 1. There is an allegation against Petitioner No. 2 Mohan Patel is that he took out the pistol in his hand and there is no specific overact to make firing or any specific overact against the said petitioner. There is no specific allegation against any of the petitioners and there is specific allegation against co-accused Munna Tiwari who has made firing upon the informant and informant sustained injury by fire arm.

The learned A.P.P. for the State as well as learned counsel for informant vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case as well as period of custody, nature of allegation, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence 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 C.J.M., Kaimur at Bhabhua in connection with Bhabhua P.S. Case No. 239 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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