

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74943 of 2022

Arising Out of PS. Case No.-99 Year-2021 Thana- BHAGWANGANJ District- Patna

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ABHISHEK KUMAR PATEL @ GOLU @ ABHISHEK PATEL @
ABHISHEK KUMAR @ PATEL Son of Vinay Kumar @ Bhola Singh R/V-
Bara, P.S- Bhagwanganj, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 13485 of 2023

Arising Out of PS. Case No.-99 Year-2021 Thana- BHAGWANGANJ District- Patna

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RAVINDRA SINGH S/O Late Janak Singh R/O Village- Bara, P.S-
Bhagwanganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 74943 of 2022)

For the Petitioner/s : Mr. Krishna Prasad Singh, Senior Adv.
Mr. Saket Kumar Singh, Adv.
Mr. Bhaskar Shankar, Adv.

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

(In CRIMINAL MISCELLANEOUS No. 13485 of 2023)

For the Petitioner/s : Mr. Ranjeet Patel, Adv.

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-04-2023 Heard Mr. Krishna Prasad Singh, learned senior

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

State.

The petitioners seek bail in connection with

Sessions Trial No. 111 of 2022 arising out of Bhagwanganj



P.S. Case No. 99 of 2021 registered for the offence under Sections 302, 341, 323, 120(B), 147, 148, 149 of the Indian Penal Code and Section 27 of the Arms Act.

The brother of the informant is alleged to have been shot dead by the petitioners and others.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner, Abhishek Kumar Patel @ Golu @ Abhishek Patel @ Abhishek Kumar @ Patel is a man of clean antecedents. He further submits that it appears from F.I.R. that there is general and omnibus allegation against him and the specific allegation of firing is attributed to the co-accused, Gunjan Kumar. So far as petitioner, Ravindra Singh is concerned, according to the F.I.R. he allegedly gave order to other co-accused to kill the brother of the informant but he has not inflicted any gun shot injury to the deceased. Neither any specific allegation of assault or any overt act is attributed nor accusation is firing is attributed to him. Moreover, the co-accused, namely, Vijay Kumar @ Aaka and Sunil Kumar @ Munna have already been granted bail by a co-ordinate Bench of this Court vide order dated 25.08.2022 and



25.07.2022 passed in Cr. Misc. No. 19479 of 2022 and Cr. Misc. No. 20184 of 2022 and the case of these petitioners stands on similar footing. The petitioners are rotting in judicial custody since 04.01.2021 and 07.11.2022, respectively.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioner, Ravindra Singh carries one more case other than the present one whereas the petitioner, Abhishek Kumar Patel @ Golu @ Abhishek Patel @ Abhishek Kumar @ Patel is having clean antecedent.

Considering the facts and circumstances of the case, let the, above named, petitioners 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 learned Additional Sessions Judge-II, Masaudhi, Patna in connection with Sessions Trial No. 111 of 2022 arising out of Bhagwanganj P.S. Case No.99 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 bond shall be canceled 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 antecedent, 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)

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