

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19168 of 2023

Arising Out of PS. Case No.-559 Year-2021 Thana- BARHARA District- Bhojpur

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1. BISHAL BIND @ BAILA BIND S/O- BHAROSA BIND Village- Bindtoli Ara P.S.- Ara Town Dist- Bhojpur
 2. Hareram Bind son of Rannu Bind Village- Bindtoli Ara PS.- Ara Town Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	M/s Santosh Kumar Singh Divyam Verma, Advocates
For the Opposite Party/s :		Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 16-05-2023

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of regular bail in connection with Barhara P.S. Case no. 559 of 2021 registered under sections 302, 307 and 120B of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, it is stated by the informant that the informant's brother and one another were followed by the accused persons and as a result of indiscriminate firing by Praduman and Kunal from their pistol, the informant's brother and Munna Yadav were seriously injured. The informant's brother succumbed to his injuries and was declared dead. It is further stated that the eight named accused persons including the petitioners herein conspired to give effect to the occurrence.

4. Learned counsel for the petitioners submits that from



the contents of the FIR itself it would transpire that the allegation of firing is specific on co-accused Praduman and Kunal. No overt act has been alleged against these petitioners who were named amongst eight accused persons who conspired to give effect to the occurrence. The petitioners are in custody since 21.12.2022 and chargesheet has been submitted in the case.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the contents of the FIR according to which the overt act is specific on accused Praduman and Kunal and not on the petitioners herein, the petitioners being in custody for more than 4 months since 21.12.2022 and chargesheet having been submitted in the case, both the petitioners are directed to be enlarged on bail in connection with Barhara P.S. Case no. 559 of 2021 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Arah.

(Partha Sarthy, J)

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