

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28031 of 2023

Arising Out of PS. Case No.-204 Year-2020 Thana- CHACKMEHSI District- Samastipur

1. Niraj Kumar Son Of Bishwanath Ray Resident Of Village - Belsandi, P.S. - Chakmehavei, Distt. - Samastipur
2. Pravin Kumar Son Of Sohan Sahani Resident Of Village - Belsandi, P.S. - Chakmehavei, Distt. - Samastipur

... .. petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the petitioner/s : Mr. Anu Priyadarshni, Advocate
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-07-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

3. Petitioners seeks bail who are in custody since 02.08.2022 in connection with Chakmehasi P.S. Case No. 204 of 2020, F.I.R. dated 10.10.2020 for the offences punishable under Sections 394 of the Indian Penal Code and Section 27 of the Arms Act.

4. According to prosecution case, three persons riding motorcycle intercepted the informant and asked for money.



When the informant protested, the one accused person took out pistol and fired upon him which hit the informant in his stomach and then all the accused persons fled away with the informant's purse.

5. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case merely on the basis of suspicion and their previous criminal antecedent. She further submits that the petitioners are not named in the F.I.R and the name of the petitioners have been transpired on the basis of confessional statement which was recorded in Kalyanpur P.S. Case No. 136 of 2022 and the petitioners were remanded in the present case. Apart from the aforesaid, the confessional statement of the co-accused, namely, Ujjwal Kumar Sonu has also been recorded which reveals that the petitioners were also involved in the present occurrence. She further submits that nothings has been recovered from the possession or the house of the petitioners and till date no T.I.P. has been conducted by the prosecution. She further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 02.08.2022.

6. The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioners on the ground that petitioners carries eight criminals antecedents other than the present one but fairly submits that the petitioners are on bail in one case.

7. Considering the aforesaid facts and circumstances, let the petitioners, above named, 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 the learned Additional Chief Judicial Magistrate 1, Samastipur in connection with Chakmehasi P.S. Case No. 204 of 2020, subject to 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 cancelled by the Court below.

2. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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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