

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21981 of 2022

Arising Out of PS. Case No.-20 Year-2022 Thana- SINGHESHWAR District- Madhepura

1. SHALIGRAM KUMAR SON OF KAMLESHWARI MEHTA R/O VILLAGE- PATORY KARUA GHAT WARD NO.-09, P.S.- SINGHESHWAR, DISTRICT- MADHEPURA
2. RAJESH KUMAR @ RAJESH KUMAR PANDIT SON OF BAHADUR PANDIT R/O VILLAGE- PATORY KARUA GHAT WARD NO.-09, P.S.- SINGHESHWAR, DISTRICT- MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Kumar Mehta
For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 12-01-2023 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 Singheshwar P.S. Case No. 20 of 2022 registered for the offences punishable under Sections 393, 326, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the informant received information that one person sustained firearm injury by the criminals near Doma Chowk and when informant reached near Doma Chowk he found that some persons were present there. On



query they disclosed that three criminals of Patori village on blue coloured Apache motorcycle and three other persons on black coloured Pulsar motorcycle have caused firearm injury to the victim. It has further been alleged that on secret information he came to know that about one hour before petitioners and others were found moving near the alleged place of occurrence and when they could not succeed in loot they fired upon the injured causing injury to him. It is further alleged that both the petitioners were apprehended while fleeing from their own house.

Learned counsel for the petitioners submits that petitioners are in custody since 29.01.2022 and bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioners have nothing to do with the alleged occurrence and they have falsely been implicated in the present case. He further submits that except suspicion, there is nothing on record to connect the present petitioners with the alleged occurrence.

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, period of custody, keeping in view clean antecedent of petitioners, charge sheet has been submitted in the case and there is no



likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides 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 Chief Judicial Magistrate, Madhepura in connection with Singheshwar P.S. Case No. 20 of 2022, 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 without appropriate permission, 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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