

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27457 of 2023**

Arising Out of PS. Case No.-315 Year-2022 Thana- DIDARGANJ District-
Patna

- =====
1. GOPAL PRASAD Son of Late Shivnandan Prasad Resident of Narvas Devi Sthan, Masurganj Road, Near to Prince Raj Niketan School, P.S. - Malsalami, Distt. - Patna
 2. RAJ KUMAR @ RAJA KUMAR SON OF GOPAL PRASAD Resident of Narvas Devi Sthan, Masurganj Road, Near to Prince Raj Niketan School, P.S. - Malsalami, Distt. - Patna
 3. GULSHAN KUMAR SON OF GOPAL PRASAD Resident of Narvas Devi Sthan, Masurganj Road, Near to Prince Raj Niketan School, P.S. - Malsalami, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nirbhay Prashant
For the Opposite Party/s : Mr.Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 16-10-2023 Heard Mr. Nirbhay Prashant, learned counsel for the

petitioners and Mr. Chandra Bhushan Prasad, learned A.P.P. for

the State.

The petitioners apprehend their arrest in connection
with Deedarganj P.S. Case No. 315 of 2022 registered for the
offence under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

The nephew of the informant is stated to have been
killed by the petitioners.

Learned counsel appearing for the petitioners submits



that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that the petitioners happen to be in laws of the deceased. He further submits that the informant is not the eye witness of the alleged occurrence and merely on the basis of suspicion and the information received from the villagers, he has filed the present case against the petitioners. Save and except the suspicion, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that before filing of the present F.I.R., the deceased has already filed a Sanha before the concerned police station.

Considering the facts and circumstances of the case, let the, above named, petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, 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 Judicial Magistrate, 1st Class, Patna City in connection with Deedarganj P.S. Case No. 315 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also 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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