

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22623 of 2023

Arising Out of PS. Case No.-438 Year-2022 Thana- MALSALAMI District- Patna

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ARUN KUMAR SON OF DIWALI SAHNI R/O VILLAGE- SATI
CHAURA, SABALPUR, P.S.- NADI, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with

CRIMINAL MISCELLANEOUS No. 25688 of 2023

Arising Out of PS. Case No.-438 Year-2022 Thana- MALSALAMI District- Patna

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DEEPAK KUMAR S/o Raj Kumar Mahto R/o village-Satichaura Sabalpur,
P.S.-Nadi, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 30278 of 2023

Arising Out of PS. Case No.-438 Year-2022 Thana- MALSALAMI District- Patna

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MANISH KUMAR SON OF YOGENDRA SAHANI RESIDENT OF
MOHALLA-SATI CHAURA SABALPUR, PS-NADI, DIST-PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 30394 of 2023

Arising Out of PS. Case No.-438 Year-2022 Thana- MALSALAMI District- Patna

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CHANDAN KUMAR @ SETHI SON OF SRI AKHILESH SAHANI R/O
MOHALLA- BANSTAL SABALPUR, P.S.- NADI, DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR



... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 22623 of 2023)

For the Petitioner/s : Mr. Subodh Kumar, Adv.
Mr. Amrendra Kumar, Adv.

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

(In CRIMINAL MISCELLANEOUS No. 25688 of 2023)

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Adv.

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

(In CRIMINAL MISCELLANEOUS No. 30278 of 2023)

For the Petitioner/s : Mr. Bijendra Prasad Sinha, Adv.

For the Opposite Party/s : Mr. Anil Kumar, APP

For the Informant : Mr. Manish Kumar No.2, Adv.

(In CRIMINAL MISCELLANEOUS No. 30394 of 2023)

For the Petitioner/s : Mr. Bijendra Prasad Sinha, Adv.

For the Opposite Party/s : Mr. Anil Kumar, APP

For the Informant : Mr. Manish Kumar No.2, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 29-08-2023 1. Heard learned counsel for the petitioners, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. Petitioners, who are in custody since 27.11.2022,
19.09.2022, 22.09.2022 & 22.09.2022 respectively seek bail in
connection with Malsalami P.S. Case No.438/2022 dated
10.08.2022, registered for the offences punishable under
Sections 147, 148, 149, 341, 302 of the I.P.C.

3. According to prosecution case, 10-12 unknown
persons having armed with weapons after breaking open the
glass of cash room of four wheeler show room entered into the
showroom and when the brother-in-law of the informant
objected, he was assaulted with knife on his abdomen and the



informant was also assaulted with knife and both became injured and thereafter the accused persons fled away. In course of treatment the brother-in-law of the informant died.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case. He further submits that the petitioners are not named in the F.I.R. The name of the petitioners have been transpired on the basis of self confessional statement of the petitioners and except the aforesaid, no other cogent material has come during investigation to suggest the involvement of these petitioners in the present occurrence.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners and submits that there is direct and specific allegation against these petitioners that they have involved in the present occurrence and apart from that the petitioner no.1, namely, Arun Kumar has confessed his guilt and stated that he has stabbed the deceased and looted amount has been recovered from the house of the petitioners namely, Deepak Kumar and Chandan Kumar and apart from that the petitioner no.1 has carried three criminal antecedent, the petitioner no.2 has carried 8 criminal antecedent,



the petitioner no.3 has carried 1 criminal antecedent and the petitioner no.4 has carried 3 criminal antecedent other than the present one.

6. Considering the aforesaid facts, I am not inclined to enlarge the petitioner no.1, namely, Arun Kumar, petitioner no.2, namely, Deepak Kumar and the petitioner no.4 namely Chandan Kumar @ Sethi on bail in connection with Malsalami P.S. Case No. 438/2022, pending in the court of Sri Ashutosh Abhimanyu, J.M.1st Class, Patna City.

7. Prayer is refused.

8. So far as the petitioner no.3, namely, Manish Kumar (Cr. Misc. No.30394/2023) is concerned, he is directed to be released on bail after framing of charge, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1st, Patna City in connection with Malsalami P.S. Case No.438/2022, subject to the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



2. If the petitioner 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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