

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38806 of 2023

Arising Out of PS. Case No.-557 Year-2022 Thana- DIGHA District- Patna

1. ABHISHEK KUMAR SON OF BIRJU RAY @ BIRJU RAI RESIDENT OF VILLAGE- DIGHA POLSAN ROAD, PS- DIGHA, DISTT- PATNA
2. GOVINDA KUMAR SON OF BIRJU RAY @ BIARJU RAI RESIDENT OF VILLAGE- DIGHA POLSAN ROAD, PS- DIGHA, DISTT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 01-08-2023 1. Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. Petitioners seek bail, who are in custody since 21.01.2023 in connection with Digha P.S. Case No.557/2022, dated 22.08.2022, registered for the offences punishable under Sections 307, 379, 34 of the IPC& Section 27 of the Arms Act.

3. According to prosecution case, the petitioners along with other co-accused persons are said to have fired upon the informant due to which the informant has sustained firearms injury.

4. Learned counsel for the petitioners submits that the



petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. He further submits that from bare perusal of the F.I.R., it appears that there is general and omnibus allegation against all the accused persons including these petitioners and there is no specific allegation of any assault or overt act attributed against the petitioners. The police after investigation submitted the charge sheet against the petitioners and the petitioners are in custody since 21.01.2023.

5. Learned counsel for the informant and learned Additional Public Prosecutor for the State on the other hand opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances as well as period of custody, 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 A.C.J.M.-XIII, Patna in connection with Digha P.S. Case No. 557/2022, 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 tamper 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)

amit/-

U		T	
---	--	---	--

