

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37004 of 2023

Arising Out of PS. Case No.-150 Year-2022 Thana- KORANSARAI District- Buxar

1. Gaya Singh Son of Late Ramadhar Singh Resident of village - Basmitiya, P.S. - Koransarai, Distt. - Buxar
2. Parshuram Singh Son Of Late Ramashray Singh Resident Of Village - Basmitiya, P.S. - Koransarai, Distt. - Buxar
3. Murari Yadav Son Of Bhim Yadav Resident Of Village - Kanjharua Dera, P.S. - Koransarai, Distt. - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shankar Kumar, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar Singh, APP
For the Informant	:	Mr. Krishna Mohan Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-08-2023 Heard learned counsel for the petitioners, learned counsel appearing on behalf of the informant as well as 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 23.01.2023 in connection with Koransarai P.S. Case No. 150 of 2022, F.I.R. dated 13.12.2022 for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.



4. According to prosecution case, these petitioners along with other accused persons armed with deadly weapons have committed murder of the uncle of the informant.

5. Learned counsel for the petitioners submits that petitioner, namely, Parshuram Singh has clean antecedent, petitioner, namely, Gaya Singh carries one criminal antecedent in which he is acquitted and petitioner, namely, Murari Singh carries two criminal antecedents other than the present one and in both the case he is on bail and they have falsely been implicated in the present case due to admitted land disputes between the parties. He further submits that from perusal of the F.I.R it appears that the informant is not the eye witness of the alleged occurrence and merely on the basis of suspicion, petitioners along with other accused persons have falsely been implicated in this present case. He further submits that there is no acquisition of any assault or overt act attributed against these petitioners and during investigation except the suspicion, no other material has come to suggest the involvement of the petitioners in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioners. He further submits that similarly situated, co-accused persons, namely, Ramji Singh and Keshavdhari Singh



@ Keshodhari Singh have been granted bail by a co-ordinate Bench of this Court vide order dated 27.07.2023 passed in Cr. Misc. No. 25649 of 2023. The petitioners are in custody since 23.01.2023.

6. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioners and submits that before the occurrence, the petitioners have threatened the victim.

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 Judicial Magistrate 1st Class, Buxar in connection with Koransarai P.S. Case No. 150 of 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 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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