

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37346 of 2022

Arising Out of PS. Case No.-91 Year-2022 Thana- RAHUI District- Nalanda

1. Balram Kumar @ Teni Singh @ Baliram Kumar Son Of Late Bhagirath Singh R/O Village- Mora Talab, P.S.- Rahui (BHAGAN Bigha), Distt.- Nalanda, At Present R/O Village- Agwanpur, P.S.- Barh, Distt.-PATNA
2. Balraj Kumar @ Chhotu @ Balram Kumar Son Of Balram Singh @ Teni Singh @ Baliram Kumar R/O Village- Mora Talab, P.S.- Rahui (bhagan Bigha), Distt.- Nalanda, At Present R/O Village- Agwanpur, P.S.- Barh, Distt.-patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra

For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 02-02-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with Rahui
P.S. Case No. 91 of 2022, registered for the offences
punishable under Sections 307, 504, 506 of Indian Penal
Code and 27 of the Arms Act.

The prosecution story as emerges from the FIR is
that on 14.02.2022 at 12:00 o'clock, the informant
proceeded to his showroom Mahindra Service Centre and
when he reached near Nilu Singh Peda Shop, two persons



came on a motorcycle and surrounded him and opened fire at him, due to which he sustained injury.

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that petitioners are not named in the FIR and their name transpired after lapse of about 29 days in the restatement of the informant, that too on the basis of suspicion. He also submits that there is no concrete evidence against them. He further submits that investigation in this case is complete and charge-sheet has already been submitted.

He further submits that the petitioners have been languishing in jail since 26.03.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently



opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Additional Chief Judicial Magistrate 1st , Nalanda at Biharsharif, in connection with Rahui P.S. Case No. 91 of 2022, **after framing of charge, if not already framed**, on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them



from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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