

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40028 of 2022

Arising Out of PS. Case No.-477 Year-2021 Thana- KADAMKUAN District- Patna

1. ARYAN KUMAR @ ROHIT SINGH S/O VIJAY SINGH Resident of Village- Jehangirpur (Bharapur), P.S.- Sonpur, District- Saran.
2. MD. SAMSHAD S/O MD. MUKHTAR Resident and P.S.- Cheriya, Bariyarpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Tiwari

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 3 24-01-2023 Learned counsel for the petitioners is permitted to make necessary correction in para 10 of the bail petition.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Kadamkuan P.S. Case No. 477 of 2021, G.R. No. 6332 of 2021 registered for the offences punishable under Sections 307, 120(B), 34 IPC and 27 of Arms Act.

As per prosecution case, two unknown miscreants armed with pistol fired upon the informant due to which



informant sustained gun shot injury and FIR has been lodged against Khusbu Singh alongwith two unidentified persons.

Learned counsel for the petitioners submits that petitioners are not named in the FIR and their name have been transpired in the present case on the basis of confessional statement of co-accused Aman Kumar in KadamKuan P.S. Case No. 492 of 2021 and both petitioners have been remanded in the present case on 07.12.2021. Except confessional statement, there is nothing on record to demonstrate the complicity of petitioners with the alleged occurrence. He further submits that both petitioners bear criminal antecedent of two cases in which they are on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that no TIP has been conducted uptill now. Petitioners are quiet innocent and have been falsely implicated in the case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, no TIP has been conducted, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on



behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Xth Patna in connection with Kadamkuan P.S. Case No. 477 of 2021 ,G.R. No. 6332 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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

(Alok Kumar Pandey, J)

vashudha/-

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