

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29535 of 2022

Arising Out of PS. Case No.-324 Year-2021 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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Abhijeet Srivastava @ Abhijeet Kumar Srivastava Son Of Arunesh Kumar
Srivastava R/O- Mohalla- Laxmi Sagar P.S.- Lalit Narayan Mithila University
Dist.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 47808 of 2022

Arising Out of PS. Case No.-324 Year-2021 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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Abhishek Raj Son of Amar Kumar Yadav Resident of village -
Shubhankarpur, P.S. town, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54926 of 2022

Arising Out of PS. Case No.-324 Year-2021 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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Ashu Thakur Son Of Manoj Kumar Thakur R/O Village- Lakhanpur, P.S.-
Katra, District- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 29535 of 2022)

For the Petitioner/s : Mr. Lakshmi Kant Sharma

For the Opposite Party/s : Mr. Nagendra Prasad

(In CRIMINAL MISCELLANEOUS No. 47808 of 2022)

For the Petitioner/s : Mr. Udbhav

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

(In CRIMINAL MISCELLANEOUS No. 54926 of 2022)



For the Petitioner/s : Mr. Dharendra Narain Mallik
For the Opposite Party/s : Mr. Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 25-01-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with L.N.M.U. P. S. Case No. 324 of 2021, registered for the offences punishable under Sections 34, 302 and 307 of the Indian Penal Code and Section 27 of the Arms Act, 1959.

The prosecution story as emerges from the FIR is that when the father of the informant, who was chief priest of the Kankali Temple, was in the temple, the petitioners along their associates came there and opened fire on him, due which he died.

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. They further submit that after investigation, it is found that it is Pulkit who had shot at the victim and even Pulkit had died on account of injury sustained during the occurrence and there is no direct allegation of assault against these petitioners. They also submit that even arms had been



recovered from the possession of Pulkit, who has already died and there is no recovery of arms from these petitioners. They further submit that investigation in this case is complete and charge-sheet has already been submitted. They further submit that they are not sure whether the charge has been framed or not.

They further submit that the petitioners have been languishing in jail since 31.10.2021, 14.10.2021 and 30.06.2022, respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have earlier been made accused in one more case.

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-VIII, Darbhanga, in connection with L.N.M.U. P. S. Case No. 324 of 2021, **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 him 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 criminal antecedents other



than the disclosed one, 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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