

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58055 of 2022

Arising Out of PS. Case No.-172 Year-2019 Thana- JANDAHA District- Vaishali

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1. KISHAN KUMAR S/o Manoj Kumar Manohar R/o village- Arniya (Jandaha), P.S.- Jandaha, District- Vaishali
 2. Prasant Kumar S/o Jaggu Singh R/o village- Arniya (Jandaha), P.S.- Jandaha, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivjee Singh, Adv.

For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-02-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 302, 384, 387 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

According to the prosecution, while the informant along with the his staff were going to his house, some of the unknown miscreants overtook them and opened fire upon them which hit his staff, namely, Mukesh Kumar Shukla and thereafter he died during course of treatment.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely



been implicated in this case. He further submits that the petitioners have not been named in the F.I.R. rather the F.I.R. have been registered against one Rakesh Kumar Singh and three unknown persons. He further submits that the on the self confession of petitioner No.1, petitioner No.2 has been made accused in this case. He further contends that T.I.P. has not been conducted as yet by the prosecution and except self confession of the petitioner No.1, no cogent material has surfaced against the petitioners during course of investigation. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 31.05.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioners carry two more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioners 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 learned Court below where the case is pending in connection with Jandaha P.S. Case No. 172 of 2019 with 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 canceled 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.

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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