

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49786 of 2023

Arising Out of PS. Case No.-22 Year-2023 Thana- MORKAHI District- Khagaria

1. VIRU KUMAR Son of Mantun Poddar Resident of village - South Marar, ward no. 05, P.S. - Morkahi, Distt. - Khagaria
2. Adarsh Kumar Son of Mantun Poddar Resident of village - South Marar, ward no. 05, P.S. - Morkahi, Distt. - Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajit Kumar, Advocate
For the Opposite Party/s : Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-08-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioners seek bail in connection with Morkahi P.S. Case No. 22 of 2023 registered for the offence under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The accused/petitioners are named in the F.I.R. and are in custody since 06.03.2023.

4. The allegation against both petitioners is to commit murder of the father of the informant, along with 13 named co-accused persons, by using *lathi*, *danda*, iron rod, etc. and also by opening fire upon the informant.

5. Learned counsel appearing on behalf of the



petitioners submitted that both petitioners implicated falsely with present case, out of trivial issues, due to quarreling of children of the parties concerned. It is submitted that allegation of physical assault is appearing very much general and omnibus against these petitioners, rather the same is specific against Adarsh Kumar, Munna Poddar and Kailash Poddar. It is also submitted that similarly situated co-accused persons have already granted bail by one of the co-ordinate Bench of this Court, through Cr. Misc. No. 40897 of 2023 dated 14.07.2023. While concluding the argument, it is submitted that both petitioners are men of clean antecedent and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as allegation of physical assault is appearing very much general and omnibus against these petitioners coupled with the fact that charge-sheet has already been submitted, where, petitioners are men of clean antecedent and in custody since 06.03.2023, let both petitioners,



above named, are directed to be released on bail in connection with Morkahi P.S. Case No. 22 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Khagaria/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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