

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43021 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- KHAJANCHI HAT District- Purnia

BITTU KUMAR Son of Prabhash Kumar @ Prabhash Sah Resident of
Village - Parora School Chowk, P.s.- K. Nagar, Distt.- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 51568 of 2022

Arising Out of PS. Case No.-1 Year-2022 Thana- KHAJANCHI HAT District- Purnia

MANISH KUMAR S/o Kailash Singh R/o village- Parora Ward No. 15, P.S.-
K. Nagar, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 43021 of 2022)

For the Petitioner/s : Mr. Md Fazle Karim

For the Opposite Party/s : Mr. Arun Kumar Pandey

(In CRIMINAL MISCELLANEOUS No. 51568 of 2022)

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 20-04-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since
11.05.2022 (Petitioner no.1) & 23.02.2022 (Petitioner no.2), in
connection with K.Hat (Maranga) P.S. Case No.01 of 2022,
F.I.R. dated 01.01.2022, registered for the offences punishable



under Sections 302 of the I.P.C. & Section 27 of the Arms Act.

According to prosecution case, one Munna Oranw informed the informant that his brother namely, Mohan Chandra Das was lying at medical store and the blood was oozing from his nose. Thereafter the informant went there and found the blood was oozing from the nose of his brother and after that he brought the injured at hospital, where the doctor declared him dead.

Learned counsel for the petitioners submits that petitioner no.1, namely, Bittu Kumar carried one antecedent and the petitioner no.2, namely, Manish Kumar has clean antecedent and they have falsely been implicated in the present case. He further submits that the petitioners are not named in the F.I.R. The name of the petitioners have been transpired during investigation on the basis of disclosure made by the co-accused, namely, Ayush Kumar. He further submits that during investigation no other cogent material has come to connect the involvement of these petitioners in the present occurrence and there is no eyewitness of the alleged occurrence. He further submits that similarly situated, co-accused persons, namely, Aayush Gupta @ Aayush Kumar has been granted bail vide order dated 10.11.2022 passed in Cr. Misc. No. 2379/2022,



another co-accused namely, Gaurav Kumar has been granted bail vide order dated 10.11.2022 passed in Cr. Misc. No. 39391/2022 and another co-accused namely, Chumki Das has been granted bail vide order dated 10.11.2022 passed in Cr. Misc. No. 39662/2022 and the police after investigation submitted the charge sheet against the petitioners. The petitioner no.1 is in custody since 11.05.2022 and the petitioner no.2 is in custody since 23.02.2022.

The learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners on the ground that the petitioner no.1 carried one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, 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 the learned C.J.M., Purnea, in connection with K. Hat (Maranga) P.S. Case No. 01 of 2022, subject to 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 cancelled 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.

3. 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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