

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57791 of 2023

Arising Out of PS. Case No.-274 Year-2023 Thana- MANER District- Patna

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1. SHAILESH KUMAR son of Kameshwar Ray Village- Rambad Ps- Maner Dist- Patna.
 2. Nitish Kumar son of Janardan Ray Village- Manachak Ps- Koyalwar Dist- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Yadav, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-09-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. Petitioners seek bail who are in custody since 04.05.2023 in connection with Maner P.S. Case No. 274 of 2023, F.I.R. dated 12.04.2023 for the offences punishable under Sections 302, 34 of the IPC and Section 27 of the Arms Act.

3. According to prosecution case, the informant's son namely Vishal Kumar was coming from old house to reach his house, Nirala Kumar called Vishal by mobile and Vishal went to house of Nirala Kumar where Shailesh Kumar and Nitish Kumar were present there, they are taking photo each other and making video and in the meantime Nirala fired upon Vishal Kumar and his right side of eye of that Vishal fell down and in



course of treatment informant's son died. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that it appears from perusal of the FIR that no case is made out against the petitioners and there is specific allegation against the co-accused person, namely, Nirala who fired upon the son of the informant and there is no accusation of any assault or overt act attributed against the petitioners. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 04.05.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Danapur, Patna in connection with Maner P.S. Case No. 274 of 2023, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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)

Prakash Narayan

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