

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53697 of 2022

Arising Out of PS. Case No.-282 Year-2022 Thana- RAJAOLI District- Nawada

1. Ranjit Kumar Son of Umesh Prasad Resident of Village - Nababganj, P.S.- Sirdala, District - Nawada.
2. Babloo Kumar Son of Umesh Prasad Resident of Village - Nababganj, P.S.- Sirdala, District - Nawada.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Adv. Mr. Ram Prasad Singh, Adv.
For the Opposite Party/s	:	Mr. Pradeep Narain Kumar, APP
For the Informant	:	Mr. Awadhesh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 16-02-2023 Heard Mr. D.K. Sinha, learned senior counsel appearing on behalf of the petitioners duly assisted by Mr. Ram Prasad Singh, learned counsel, Mr. Awadhesh Kumar, learned counsel for the informant and Mr. Pradeep Narain Kumar, learned Additional Public Prosecutor for the State.

The petitioners seek regular bail, who are in custody in connection with Rajauli P.S. Case No. 282 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 326 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, the informant alleged that on 18.06.2022, while his father proceeded towards Rajauli



on his motorcycle, in the meantime, seven named accused persons including the petitioners and 2-3 unknown persons started indiscriminate firing upon him, on account of which, he sustained various gun shot injuries.

Learned senior counsel appearing on behalf of the petitioners submits that from the FIR, it is evident that there is general and omnibus allegation against all the ten accused persons that they resorted indiscriminate firing, but no specific allegation has been levelled against anyone, as it is very difficult to ascertain as to whose bullet(s) hit the father of the informant. He further submits that the FIR has been instituted in the background of enmity, as earlier the petitioner no.1 had instituted an FIR, being Rajauli P.S. Case No. 218 of 2018 against the father of the informant and others, as such, the false implication of the petitioners cannot be ruled out. Learned senior counsel drawn attention of the Court to the injury report, which suggests only three injuries, however, the time of examination of the injured has not been mentioned and further though the injured was examined on 17.06.2022, but the doctor who treated him put his signature on the injury report on 18.06.2022. He next submits that the petitioners have categorically stated that on the alleged date and time of



occurrence, they were in their house, which fact can also be verified from the CCTV footage and, in this regard, they also produced the material(s) before the investigating officer, but the same has not been considered till date. He lastly submits that both the petitioners have earlier also implicated in one another case and they are on bail in the said case.

On the other hand, learned counsel for the informant vehemently opposes the application and submits that there is specific allegation against the petitioners that they along with other accused persons made indiscriminate firing causing several bullet injuries and the empty cartridges were also recovered from the place of occurrence. He further submits that the father of the informant was treated at Max Hospital, Patna, and, as such, the injury report issued from the private hospital is also required to be looked into for proper appreciation of this case.

Learned counsel for the State also submits that during the course of investigation, it has come that prior to the alleged occurrence, the petitioners had threatened the father of the informant with dire consequences.

Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of



allegation in the background of enmity between the parties coupled with the fact that investigation of the crime is complete and the charge-sheet has also been submitted as also the petitioners are in custody since 18.06.2022, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Nawada in connection with Rajauli P.S. Case No. 282 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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