

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41633 of 2022

Arising Out of PS. Case No.-1098 Year-2021 Thana- PHULWARISHARIF District- Patna

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OM KUMAR @ ONKAR Son of Mantu Singh @ Ashok Verma Resident of
village- Anjawan Bishunchak, P.S- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 57066 of 2022

Arising Out of PS. Case No.-1098 Year-2021 Thana- PHULWARISHARIF District- Patna

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VICKY KUMAR S/o Binod Kumar Resident of Village- Ramji Chak Bata,
P.S.- Digha, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 41633 of 2022)

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 57066 of 2022)

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-03-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioners seek bail in a case registered for the
offences punishable under Sections 302, 120(B), 34 of the



Indian Penal Code.

According to prosecution case, two unknown miscreants came in the office of the informant's husband and after saluting, shot him dead on account of political rivalry.

Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that the petitioners are not named in the F.I.R. and the name of the petitioners have been transpired on the basis of confessional statement of co-accused persons as well as self confessional statement of the petitioners. He further submits that except the confessional statement of the co-accused and the petitioners as recorded in para 84, 86, 89 of the case diary that there is no other evidence to suggest that the involvement of these petitioners in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioners. He further submits that similarly situated, co-accused, namely, Mithilesh Kumar @ Amitav Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 17.05.2022 passed in Cr. Misc. No. 21815 of 2022 and another co-accused namely, Kundan Kumar and Nakul Kumar have been granted bail by a Coordinate Bench of this Court vide order dated 31.08.2022 passed in Cr. Misc.



No. 31507 of 2022 and another co-accused namely, Raj Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 20.03.2023 passed in Cr. Misc. No. 65598 of 2022 respectively and the case of the petitioners are on similar footing. The petitioners are in custody since 05.04.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners on the ground that petitioners carries one criminal antecedent other than the present one.

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) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with S.Tr. No. 670 of 2022, arising out of Phulwari Sharif P.S. Case No. 1098 of 2021, 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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