

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58215 of 2023

Arising Out of PS. Case No.-231 Year-2023 Thana- SHASTRINAGAR District- Patna

1. Raju Kumar Son Of Late Fakira Rai Resident Of Mohalla - Nandgaon, P.S. - Shastri Nagar, Distt. - Patna
2. Pankaj Kumar Son Of Late Ashok Rai Resident Of Mohalla - Ramjee Chak, Yadav Gali, P.S. - Digha, Distt. - Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Abhash, Advocate
For the Opposite Party : Mr. Lalan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 13-09-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Shastri Nagar P.S. Case No. 231 of 2023 dated 27.02.2023, instituted for the offence punishable under Sections 323, 341, 342, 387, 504, 506/34 of the Indian Penal Code.

3. As per the F.I.R., the petitioners along with the other co-accused armed with weapon came to the informant's house and told him to bring cigarette. When the informant asked for money for the cigarette, then accused persons demanded his motorcycle and thereupon an altercation took place between them. It is further alleged that when the



informant did not agree to hand over the motorcycle, the accused persons tried to snatch his motorcycle as *rangdari* but the informant opposed then accused persons started assaulting him and the brother of the informant was also slapped and punched by them. When the nearby people came to save them, then the accused persons started indiscriminate firing.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. It is submitted that the allegation of firing is complete false and no fire arm has been recovered from the possession of the petitioners. It is further submitted that there is also no sign of firearm at the alleged place of occurrence, only three cartridges were found but not from the physical possession of the petitioners. Lastly, it has been submitted that both the petitioners have two criminal cases against them.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Shastri Nagar P.S.



Case No. 231 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M,-IX, Patna, subject to condition as laid down under Section 438(2) of the Cr.P.C and also to the further conditions, which are as follows:

(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(ii). One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(iii). The bailor shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to



initiate the proceeding for cancellation of bail on ground of misuse.

(iv). 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.

(Khatim Reza, J)

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