

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58866 of 2023

Arising Out of PS. Case No.-1454 Year-2022 Thana- DANAPUR District- Patna

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KAMLI @ KAMAL S/O GOPAL PRASAD @ GOPAL MEHTA R/O
VILLAGE- KURMIYAN GALI, GANDHI NAGAR, GABHTAL, PS.
DANAPUR, POST- DIGHA, DIST. PATNA-800012

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Ambastha, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection with Danapur P.S. Case NO. 1454 of 2022 registered under Sections 302, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act lodged on 14.12.2022 by the informant, Ramawati Devi.

3. As per the prosecution story, the informant alleged that her son Rohit (since deceased) was in jail in connection with a shoot out in 2021 and after a compromise was reached, he came out of jail. However, as her son was demanding litigation cost from the accussed herein, infuriated, on the fateful day, he was called to receive the amount and killed. She has named the accused persons in the FIR. This led to lodging of



the FIR.

4. Learned counsel for the petitioner submits that from the FIR, it is clear that she has alleged that Himanshu @ Toronto and Nishant opened fire on her son Rohit and Ankit respectively. Omnibus allegation is/are there against this petitioner, he has remained in custody since 15.12.2022 (as stated in paragraph-10 of the petition) and do not have criminal antecedent.

5. Learned APP opposes the prayer for bail stating that the murders have taken place in which the informant has also lost her son.

6. Though the killing is/are unfortunate, specific allegation has been made against Himanshu @ Toronto and Nishant of opening fire which caused the death of Rohit and Ankit, this petitioner is in custody since 15.12.2022 and do not have criminal antecedent, this Court is inclined to grant him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge -VI, Danapur in connection with Danapur P.S. Case No. 1454 of 2022 corresponding to Sessions Trial No. 376



of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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