

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57515 of 2022

Arising Out of PS. Case No.-199 Year-2022 Thana- MANJHI District- Saran

1. Diwakar Mishra S/O Tarkeshwar Mishra Resident of village- Majhanpura, P.S.- Manjhi, District- Saran.
2. Vivek Kumar Singh S/O Charan Kumar Singh Resident of village- Majhanpura, P.S.- Manjhi, District- Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kr. Thakur, Adv. Mr. Ritwik Thakur, Adv.
For the Opposite Party/s	:	Mr. Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 24-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with
Manjhi P.S. Case No. 199 of 2022 lodged under Sections 302/
34 of the I.P.C. read with Section 27 of the Arms Act.

As per the prosecution case, the informant has named
2 persons (petitioners) against whom the allegation is that they
were fleeing away from the place of occurrence to whom the
informant identified.

Learned counsel for the petitioners submit that from

the contents of the F.I.R. itself, it transpires that the time of occurrence is about 01.00 A.M. night. It has also been alleged that informant and deceased both were sleeping at the door on different *khats*. Upon hearing the sound, he has seen 3-4 persons were fleeing away and in the night, the informant identified the petitioners. Counsel submits that the F.I.R. has been lodged at 12 noon. He further submits that from the order sheet, it transpires that there is only one injury caused and even informant has not seen that who has assaulted the deceased. The truth identification is subject of trial. Counsel further submits that antecedents of the petitioners are clean and they are in custody since 04.06.2022 in this case.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that informant has narrated the truth which he has seen from his own eyes.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-IX, Saran, Chapra in connection with Sessions Trial No.

470 of 2022 arising out of Manjhi P.S. Case No. 199 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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