

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65555 of 2022

Arising Out of PS. Case No.-280 Year-2022 Thana- DANAPUR District- Patna

SAMAR RAJ Son of Rajmee Prasad @ Ramjee Kumar Resident of T-Point in
road of Jhakhari Mahadeo, P.S.- Danapur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 63885 of 2022

Arising Out of PS. Case No.-280 Year-2022 Thana- DANAPUR District- Patna

HARSH KUMAR S/O PRAMOD PRASAD @ PRAMOD KUMAR SAO
Resident of Near T Point, Bazar Samiti, P.S.- Danapur, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 65555 of 2022)

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. A.G

(In CRIMINAL MISCELLANEOUS No. 63885 of 2022)

For the Petitioner/s : Mr. Manoranjan Kumar, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-04-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since
20.04.2022 in connection with Sessions Trial No. 985 of 2022
arising out of Danapur P.S. Case No. 280 of 2022, F.I.R. dated
18.04.2022 for the offences punishable under Sections 302,



120(B)/34 of the Indian Penal Code and section 27 of the Arms Act.

According to prosecution case, in brief, is that an F.I.R. has been lodged on the written complaint of the informant Geeta Devi alleging therein that four to five days earlier Santosh Kumar, Jai Kumar, Puchiya and others four to five persons were coming to inquire about Sunny the son of the informant. Two to three days earlier also Puchiya called Sunny but Sunny returned but the informant learnt that all of them have quarreled and in the same night aforesaid accused persons called Sunny Kumar from his house and near Dhaneshwari Schol and shot Sunny Kumar at his head causing death. The informant claimed that the aforesaid accused persons have shot him to dead.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case only on the basis of the confessional statement of co-accused namely, Jai Kumar @ Jai Kumar Tiwari and self confessional statement of the petitioners. He further submits it has come during investigation that the co-accused namely, Puchiya @ Bajrangi has fired upon the victim and the Jai Kumar was with the co-accused Puchiya at the time of occurrence. He further submits that except the confessional



statement of co-accused namely, Jai Kumar @ Jai Kumar Tiwari no other cogent material has come during investigation against these petitioners to suggest the involvement of the petitioner in the present occurrence and self confessional statement of the petitioners. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 20.04.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail, **after framing of charge**, 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 Additional Sessions Judge-V, Danapur, Patna in connection with Sessions Trial No. 985 of 2022 arising out of Danapur P.S. Case No. 280 of 2022, 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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