

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61436 of 2022

Arising Out of PS. Case No.-333 Year-2022 Thana- KHAJANCHI HAT District- Purnia

BRAJESH SINGH S/o Late Purushottam Singh R/V- Basant Vihar, Newalal Chowk, P.S.- K.Hat(Maranga), Distt- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 67554 of 2022

Arising Out of PS. Case No.-333 Year-2022 Thana- KHAJANCHI HAT District- Purnia

GAGAN CHOUDHARY Son of Nityanand Choudhary @ Gungun Choudhary R/o Shanti Niketan Hata, Tatmatoli, Ward No. 24, P.S.- K. Hat (Sahayak), District- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 61436 of 2022)

For the Petitioner/s : Mr. Manoj Kumar Jha, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 67554 of 2022)

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Adv.

Mr. Dr. Bidhu Ranjan, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 27-04-2023 1. Both the criminal miscellaneous petitions have arisen out of the same police station case number, hence they are being heard together and disposed of by a common order.
2. Heard learned counsels for the petitioners and the learned APPs for the State.



3. Petitioners seek regular bail in connection with K. Hat (Maranga) P.S. Case No. 333 of 2022 dated 04.04.2022 registered for the offences punishable under Section 307 of the Indian Penal Code and Section 27 of Arms Act.

4. The main submissions advanced by learned senior counsel appearing for the petitioner Gagan Choudhary are that admittedly, no one sustained any type of injury in the alleged firing, which is stated to have been committed by this petitioner and in the FIR, any motive on the part of the petitioner to commit the alleged occurrence of firing has not been revealed so there was no reason for the petitioner to commit the alleged occurrence and moreover, the investigation has been completed against the petitioner and he has been languishing in jail since 31.05.2022.

5. The main submissions advanced by learned counsel appearing for the petitioner Brajesh Singh are that against this petitioner, there is no allegation of firing at the prosecution party rather he was simply alleged to have accompanied the co-accused on a motorcycle and though, against the petitioner there are criminal antecedents of four cases but before filing of the present petition, he had got bail in three cases and after filing of the present matter, he got bail in fourth case and accordingly, in



the present time, he is on bail in all the said cases of criminal antecedents. Further submission is that the petitioner has been languishing in jail since 31.05.2022.

6. Learned APPs appearing for the State have opposed the bail prayer of both the petitioners.

7. Considering the above submissions and mainly the facts that in the alleged firing, no one sustained injury and in the FIR, any motive on the part of the petitioners to commit the alleged occurrence was not revealed and moreover, both the petitioners have been languishing in jail since 31.05.2022 and against them, the investigation has been completed, in my opinion both the petitioners deserve to a lenient approach of this Court. Accordingly, let both the petitioners named-above be **enlarged on bail after framing of charge**, if the same has not been framed, on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with K. Hat (Maranga) P.S. Case No. 333 of 2022, on the following conditions:-

(i) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the



Court below and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(ii) 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.

(iii) One of the bailors shall be a close relative of the petitioners who has sworn affidavit in these miscellaneous petitions.

(Shailendra Singh, J)

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