

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70896 of 2022

Arising Out of PS. Case No.-95 Year-2020 Thana- CHANDI District- Bhojpur

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1. MUKESH KUMAR @ MUKESH KUMAR SINGH Son of Late Sushil Kumar Singh R/V- Rampur, P.S- Chandi, Dist- Bhojpur
 2. Rakesh Kumar Son of Late Sushil Kumar Singh R/V- Rampur, P.S- Chandi, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar,Adv.

For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in connection with Chandi P.S. Case No. 95 of 2020 instituted under Sections 341, 323, 504, 506, 34, 307 of the Indian Penal Code and Section 27 of Arms Act.

As per the prosecution story, the allegation is that while a 'baraat' was coming to the house of one Kashinath Singh and the informant was sitting on the door, two petitioners along with the other accused persons came on motorcycle and after abusing the informant and after narrating that he was the person behind implication in Arms Act, it is alleged that both the



petitioners opened fire but he remained unhurt.

Accordingly, the FIR.

Learned counsel for the petitioners submit that a bare perusal of the FIR would show that false and fabricated case has been forced upon them only to make them suffer.

Learned APP on the other hand opposes the prayer of bail.

Considering the kind of allegation that has come in the FIR as also that one of the petitioner is serving in the Army while the other in C.R.P.F., FIR has been lodged and ultimately they will have to face the trial, this Court is inclined to extend them privilege of anticipatory bail.

Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Chandi P.S. Case No. 95 of 2020 to the satisfaction of learned C.J.M., Bhojpur at Ara, subject to the conditions as laid down under Section 438(2) of the Cr.P.C and with further conditions :

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show



their bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners 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 the bail bonds;

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

(Rajiv Roy, J)

Ajay Singh/-

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