

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8396 of 2024

Arising Out of PS. Case No.-371 Year-2023 Thana- DESARI District- Vaishali

1. Suresh Prasad Singh S/o Late Gaya Singh Resident of Village - Chakam Gola, P.S. - Desari (Chandpura O.P.), Dist. - Vaishali
2. Ajit Kumar Singh S/o Suresh Prasad Singh R/o Vill - Chakam Gola, P.S. - Desari (Chandpura O.P.), Dist. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Gandhi, Adv.

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 19-04-2024 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the informant.

2. The petitioners seek regular bail in connection with Desari (Chandpura O.P.) P.S. Case No. 371 of 2023, lodged on 03.11.2023 under Sections 341, 323, 302, 34 of the Indian Penal Code read with section 27 of the Arms Act.

3. As per the prosecution case, FIR has been lodged against six named accused persons including the present petitioners. The allegation against the petitioner no.1 is that he is only the order giver in the incident occurred and petitioner no.2 is the member of the mob.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have committed no offence. Counsel also submits that the petitioner no.1 is aged about 67 years and as per the extreme allegation, he is only the order giver and the petitioner no.2 is present being the member of the mob. Counsel further submits that only thing against the present petitioners is that their criminal antecedent are not clean and there are three criminal cases pending against them in which they are on bail. The present petitioners are in custody since 04.11.2023 in the present case.

5. Learned counsel for the petitioners submits that it is the accused namely Dinesh Prasad Singh who has fired from his gun on the chest of the informant's son due to which he fell down and subsequently, on the way, informant's son died.

6. Learned APP for the State opposes the prayer for bail of the petitioners.

7. Learned counsel for the informant vehemently opposes the prayer for bail of the petitioners and submits that case diary has been called for and in the case diary, post-mortem report has been attached and the post-mortem report directly corroborates that the death has been caused due to injury caused by a gun shot which has been done none the else but by Dinesh Prasad Singh.



8. In the present facts and circumstances of this case and the submissions made above, **let the petitioners above named be granted bail, but only after framing of charge, if not framed** 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 ACJM-IX, Vaishali at Hajipur in connection with Desari (Chandpura O.P.) P.S. Case No. 371 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C.

(Dr. Anshuman, J.)

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