

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22236 of 2024

Arising Out of PS. Case No.-415 Year-2023 Thana- AMARPUR District- Banka

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1. Janno Das @ Janardhan Das S/O Late Adhik Das R/O Village- Mainma, P.S- Amarpur, Distt.- Banka.
 2. Bhutto Das @ Sanni Das S/O Janno Das @ Janardhan Das R/O Village- Mainma, P.S- Amarpur, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-03-2024 Heard Mr. Subhash Kumar Jha, learned counsel for the petitioners and Mr. Pawan Kumar Chaurasia, learned APP for the State.

2. Petitioners seek bail, who are in custody since 21.12.2023, in connection with Amarpur P.S. Case No. 415 of 2023, F.I.R. dated 07.06.2023 registered for the offences punishable under Sections 302, 120(b) of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegation against the petitioner is that he along with other co-accused involved in scuffle with the deceased and in collaboration with other co-accused namely Rahul Kumar shot the deceased with country made pistol due to which he sustained injuries and died during treatment.



4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that there is no accusation of any assault or overt act attributed against the petitioners rather there is specific allegation of firing attributed against co-accused person namely Rahul Kumar. He further submits that co-accused person namely Bhagwan Das has been granted bail by this Court vide order dated 05.09.2023 passed in Cr. Misc. No. 57659 of 2023, another co-accused person namely Jaynandan Das @ Dhodi Das has been granted bail by a Coordinate Bench of this Court vide order dated 17.02.2024 passed in Cr. Misc. No. 6135 of 2024 respectively and the petitioners are in custody since 21.12.2023.

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

6. Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 415 of 2023, 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 antecedents, 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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