

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25585 of 2024

Arising Out of PS. Case No.-265 Year-2022 Thana- BAISI District- Purnia

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1. Noor Sayeed, son of Eekqramul Haque, Resident of Village- Tarabari Asja Mobaiya, P.S.- Baisi, dist.- Purnea
 2. Nasir Raja, Son of Shami Ahmad, Resident of Village- Tarabari Asja Mobaiya, P.S.- Baisi, dist.- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Thakur, Advocate Mr. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the informant	:	Mr. Ayush Kumar, Advocate Ms. Kanishka Shankar, Advocate
For the Opposite Party/s	:	Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 14-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with Baisi P.S. Case No. 265 of 2022 lodged on 29.06.2022 under Sections 302, 120B, 379/34 of the Indian Penal Code of the Indian Penal Code.

3. As per the prosecution case, the FIR has been lodged against 17 named accused persons alleging therein that all the accused persons in connivance with each other hatched a conspiracy and assaulted the deceased with various weapons. It



is specifically alleged against accused No. 12 to 17 that they attacked on the head and chest of Munazir.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. The petitioners are in custody since 12.01.2024 having no criminal antecedent. He further submits that there are two petitioners in the present bail application and in the FIR, the petitioners' name is not there. The accusation levelled in the FIR is omnibus and general. He further submits that there is no whisper against the present petitioners in the FIR but their names have figured only on the basis of the confessional statement of co-accused which have not been corroborated by any other material. It is further submitted that other co-accused persons have been granted bail by this Hon'ble Court as well as by the co-ordinate Bench of this Court. The orders are annexed as Annexure -3 series.

5. Learned counsel for the informant vehemently opposes the prayer for bail and submits that due to the non-appearance of the present petitioners, there are delay in the trial and the petitioners have taken active participation in commission of the crime. Therefore, the petitioner may not be granted bail.

6. Learned counsel for the State opposes the prayer



for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named be released on bail, **but only after framing of charge, if the charge has not been 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 CJM, Purnea, in connection with Baisi P.S. Case No. 265 of 2022, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure.

(Dr. Anshuman, J)

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