

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40037 of 2024

Arising Out of PS. Case No.-701 Year-2023 Thana- FATUA District- Patna

Uma Shankar Prasad @Uma Shankar Kumar S/O Vinda Singh @Vinder Singh R/O VILLAGE BARUNA P.S. FATUHA DISTRICT PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 40581 of 2024

Arising Out of PS. Case No.-701 Year-2023 Thana- FATUA District- Patna

Sonu Kumar S/O Shanker Yadav R/O Village-Surangaper, P.S.-Fatuha, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 41067 of 2024

Arising Out of PS. Case No.-701 Year-2023 Thana- FATUA District- Patna

Deepak Kumar Son of Vinda Singh @ Vinder Singh Resident Of Village Baruna P.S. Fatuha District Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 40037 of 2024)

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate

: Mr. Vijay Anand, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, APP

(In CRIMINAL MISCELLANEOUS No. 40581 of 2024)

For the Petitioner/s : Mr. Vijay Anand, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 41067 of 2024)

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA



ORAL ORDER

3 18-09-2024 Heard the parties.

2. The petitioners seek bail, who are in custody since 19.12.2023, 23.11.2023 and 19.12.2023 respectively, in connection with S. Tr. No. 294 of 2024, arising out of Fatuha P.S. Case No. 701 of 2023, FIR dated 15.09.2023 registered for the offence under Sections 302, 307, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, all the accused persons have attacked and started indiscriminate firing on the informant's brother and his friend with rifle and *desi katta* due to which bullet shot the informant's brother due to which he died and the friend of informant's brother also died due to gunshot while one another person namely, Mintus sustained gun shot injury.

4. Learned senior counsel appearing for the petitioners submit that the petitioners are innocent and they have falsely been implicated in the present case. He further submits that although the petitioners are named in the FIR but there is no specific allegation of any assault or overt act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners that with common intention they have fired upon the brother of the



informant and friend of the brother of the informant.

5. Learned A.P.P. for the State, on the other hand, vehemently opposed the prayer for bail of the petitioners and submit that the petitioners are named in the FIR and apart from that there is allegation against the petitioners in the FIR that they have fired upon the brother of the informant and friend of the brother of the informant. He further submits that petitioners, namely, Uma Shankar Prasad @Uma Shankar Kumar and Deepak Kumar carry one more case other than the present one but fairly submit on the basis of the paragraph no.3 of the bail petitions that the petitioners are on bail in the pending matters and petitioner, namely, Sonu Kumar, having clean antecedent.

6. Considering the aforesaid facts, let the, above named, petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-IV, Patna City in connection with S. Tr. No. 294 of 2024, arising out of Fatuha P.S. Case No. 701 of 2023 with 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 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 canceled 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.

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 antecedent, 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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