

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53275 of 2024

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

1. Shankar Singh @ Shankar Yadav S/O Ayodhya Singh R/O Village-Surangpur Bankipur Macchhariawa, P.S- Fatuha, Distt.- Patna.
2. Ranjit Singh @ Ranjit Singh S/O Mahendra Gope @ Mahendra Singh R/O Village- Surangpur Bankipur Macchhariawa, P.S- Fatuha, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the State : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-11-2024 Heard Mr. Pramod Kumar, learned counsel for the

petitioners and Mr. Yogendra Kumar Singh, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Fatuha P.S. Case No. 701 of 2023, F.I.R. dated 15.09.2023 for the offences punishable under Sections 302, 307, 120B and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, all the accused persons armed with country made katta and rifle in their hands went to the house of the informant and started indiscriminate firing on his brother, namely, Jai Singh and friend of his brother, namely, Shailesh Kumar and Mintus @ Bhanta due to which they got bullet injury. It further alleged that the informant



brought his brother, namely, Jai Singh and friend of his brother to P.H.C. Fatuha where the doctor declared them dead and treatment of Mintus @ Bhanta is going on in a private clinic.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the petitioners are not named in the FIR and during the investigation the name of the petitioners have been transpired in this case. He further submits that petitioners have no concern at all with the alleged occurrence and they have been made accused in the present case due to village politics.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners and submits that it has come during the investigation that the petitioners have threatened the informant's side to withdraw the case.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the



learned A.C.J.M., Patna City, Patna in connection with Fatuha P.S. Case No. 701 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

iii. 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 bonds 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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