

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55919 of 2024

Arising Out of PS. Case No.-103 Year-2023 Thana- DANDARI District- Begusarai

Kailash Tati @ Kailash Kumar @ Kailash Tanti SON OF RAM KHELAWAN
TATI Resident of village- Katarmala P.S -Dandari distt -Begusarai

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sarvottam Kumar, Adv.
For the informant	:	Mr. Sandeep Kumar Gautam, Adv.
For the Opposite Party/s	:	Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 29-08-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Dandari P.S. Case No. 103 of 2023 dated 13.11.2023 registered for the offences punishable u/ss 341, 302, 120B, 504, 506 read with Section 34 of the Indian Penal Code and u/s 27 of the Arms Act.

3. As per the prosecution case, on 12.11.2023, in the evening, the informant along with his father was returning after closing his shop. When they reached Bajrangbali Chowk Katarmala then the accused persons including the petitioner armed with various weapons surrounded and threatened to vacate the land. Thereafter, on the order of the co-accused,



Rajeev Kumar, the co-accused Rajendra Sah and the petitioner, Kailash Tanti caught hold of the hand of the deceased and the co-accused, Vikash Kumar fired on the chest of the deceased.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is land dispute between the parties. There is no specific allegation against the petitioner rather the specific allegation of firing on the informant's father is against the co-accused, Vikash Kumar. Nothing has been recovered from the conscious possession of the petitioner. The co-accused persons have already been granted regular bail by this court vide order dated 18.07.2024 passed in Cr. Misc. No. 28334 of 2024. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 26.04.2024.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioner and submitted that the charge has not been framed against the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of



the like amount each to the satisfaction of learned Court concerned, Begusarai in connection with Dandari P.S. Case No. 103 of 2023 with the condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

(ii) The petitioner is directed to cooperate during the trial in the learned court below.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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