

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62813 of 2024

Arising Out of PS. Case No.-355 Year-2023 Thana- THAWE District- Gopalganj

1. Sushil Singh, Son of Harishankar Singh @ Hari Shankar Singh, Resident of village- Vishambharpur, P.S.- Thawe, District- Gopalganj
2. Suraj Kumar, Son of Mithlesh Singh, R/O Vill.- Bheriya, P.S.- Thawe, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 20-11-2024 Heard Mr. Pankaj Kumar Dubey, learned Advocate
for the petitioners and learned APP for the State.

2. The petitioners seek regular bail, who are in custody in connection with Thawe P.S. Case No. 355 of 2023 registered for the offences punishable under Sections 341, 323, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Based upon the written report, the prosecution alleges that while the informant was in his house, in the meanwhile, three accused persons, including the petitioners, came at his door on motorcycle and started abusing him. On protest, both the petitioners fired upon him from their pistol. However, the informant saved his life by fleeing from the place



of occurrence. The petitioners also threatened with dire consequences and fled away.

4. Learned Advocate for the petitioners drawing the attention of this Court to the F.I.R. primarily contended that admittedly none has sustained any injury. So far the alleged firing is concerned, during the course of investigation no material has been collected suggesting such occurrence has taken place. In fact, on account of enmity, the names of the petitioners have been implicated in this case. During the course of investigation neither any firearm has been recovered from the possession of the petitioners nor the witnesses have categorically supported the prosecution case. One empty cartridge, which was said to have been recovered from the place of occurrence is nothing, but thrown by the informant in order to make the case serious. The petitioners are in custody since 13.06.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that petitioner no.1 bears five criminal antecedents, whereas petitioner no.2 bears two criminal antecedents and, as such, they appear to be habitual offender.

6. Regard being had to the submissions made on



behalf of the parties and considering the nature of allegation and the fact that none has sustained any injury and moreover the investigation of the crime is complete and charge-sheet has been submitted, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Thawe P.S. Case No. 355 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will mark their attendance once in the 1st week of every month, for a period of six months, before the nearest police station.

(ii) The petitioners will cooperate in conclusion of the trial.

(iii) They will remain present on each and every date of trial till disposal of the case.

(iv) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(v) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.



(vi) 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 his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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