

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79482 of 2023

Arising Out of PS. Case No.-76 Year-2023 Thana- NADI P.S. District- Patna

1. BALDEV SINGH S/O DALBIR SINGH VILLAGE- MAINIMASSA, PS. KHALRA, DIST. TARAN (PUNJAB)
2. SUNIL KUMAR S/O LATE PANCHHI LAL RAY VILLAGE- MOHANPUR, PS. RAGHOPUR, DIST. VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 9446 of 2024

Arising Out of PS. Case No.-76 Year-2023 Thana- NADI P.S. District- Patna

Satish Kumar @ Satish Ray @ Bachcha Ray S/O LATE SITAB LAL RAY VILLAGE- JETHULI, PS. NADI, DIST. PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 79482 of 2023)

For the Petitioner/s : Mr. Ajay Kumar Thakur,
Ms. Vaishnavi Singh, Advocates

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

For Informant : Mr. Dharendra Kumar Sinha, Adv.

(In CRIMINAL MISCELLANEOUS No. 9446 of 2024)

For the Petitioner/s : Mr. Ajay Kumar Thakur,
Mr. Vaishnavi Singh, Advocates.

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

For Informant : Mr. Dharendra Kumar Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

4 27-03-2024 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

2. Since both the aforesaid applications for regular



bail arise out of same PS i.e., Nadi PS Case No. 76 of 2023, they are being heard together and disposed of by a common order.

3. The petitioners are in custody in connection with Sessions Trial No. 686 of 2023 arising out of Nadi P.S. Case No. 76 of 2023 registered for an offence punishable under Sections 147, 148, 149, 342, 448, 302, 304 and 506 of the IPC and Section 27 of the Arms Act.

4. The prosecution case in brief is that the informant of this case lodged an FIR against 30 named persons and 15-20 unknown persons . It has been alleged by the informant that on 19.02.2023 at about 11:00 AM, when his nephew Bittu Kumar was on his four wheeler vehicle moving towards the road from his house, he found the road obstructed by sand and concrete caused by associates of one Umesh Rai. It has further been alleged that when Bittu Kumar insisted to clear the road, then all thirty (30) FIR named accused and 15-20 unknown persons started indiscriminate firing due to which four persons got injured and in course of treatment two of them died.

5. Learned counsel for the petitioners submits that petitioners have falsely been implicated in this case and they have not committed any offence as alleged. He further submits



that the investigation of this case has already been concluded and the charge-sheet has already been submitted and also committed to the court of sessions. It is next submitted that the similarly situated accused persons, namely Aman Raj in Cr. Misc. No. 49321/2023 *vide* order dated 11.10.2023 and Vijay Kumar @ Abhishek @ Abhishek Kumar along with Rahul Kumar in Cr. Misc. No. 55258/2023 *vide* order dated 28.11.2023 have already been granted privilege of by the Co-ordinate Benches of this Court. It is next submitted that after perusal of para-84 of the case diary which is dying declaration of the deceased, Chenarik Rai, it is evident that he has stated nothing against these petitioners rather general and omnibus allegation has been levelled against them. Lastly it has been submitted that the petitioners are in custody since 21.02.2023.

6. However, learned APP as well as learned counsel appearing for the informant vehemently opposed the prayer for regular bail of the petitioners. Learned counsel for the informant submits that this is the case of four murders and the petitioners are somewhere involved in the said occurrence. He further submits that the prayer of bail of the two co-accused persons, namely, Aryan Kumar along with Akhilesh Kumar in Cr. Misc. No. 80765 of 2023 has been denied by the Co-ordinate Bench of



this Court. Hence, these petitioners also do not deserve the privilege of bail.

7. Considering the aforesaid facts and circumstances and the fact that similarly situated accused persons, namely Aman Raj in Cr. Misc. No. 49321/2023 *vide* order dated 11.10.2023 and Vijay Kumar @ Abhishek @ Abhishek Kumar along with Rahul Kumar in Cr. Misc. No. 55258/2023 *vide* order dated 28.11.2023 have already been granted privilege of bail by the Co-ordinate Benches of this Court, let the above named petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-IV, Patna City in Sessions Trial No. 686 of 2023 arising out of Nadi P.S. Case No. 76 of 2023, subject to the condition that all the petitioners shall remain physically present on each and every date during the course of trial and in case of default on two consecutive dates, their bail bond shall be liable to be cancelled by the learned trial court.

(Ramesh Chand Malviya, J)

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