

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.811 of 2024

Arising Out of PS. Case No.-38 Year-2023 Thana- BISHUNPUR District- Darbhanga

1. Raj Kishore Roy Son Of Chandeshwar Roy Resident Of Village- Ghogharaha, P.S.- Chakmehsi, District- Samastipur
2. Nand Kishore Roy Son Of Chandeshwar Roy Resident Of Village- Ghogharaha, P.S.- Chakmehsi, District- Samastipur
3. Shyam Kishore Roy Son Of Chandeshwar Roy Resident Of Village- Ghogharaha, P.S.- Chakmehsi, District- Samastipur
4. Chandeshwar Roy Son Of Late Palat Roy Resident Of Village- Ghogharaha, P.S.- Chakmehsi, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Singh, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-04-2024 Heard Mr. Amit Kumar Singh, learned counsel for the petitioners as well as Mr. Anil Kumar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bishanpur P.S. Case No. 38 of 2023, F.I.R. dated 17.05.2023 for the offences punishable under Section 307 of the Indian Penal Code and Section 27 of the Arms Act.

3. According to prosecution case, the informant alleged that due to previous enmity all the accused persons have fired upon him due to which he received gun shot injury on his



back.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that the present case has been instituted only on the basis of suspicion and the date of occurrence as alleged in the F.I.R is 02.04.2023 but the present F.I.R has been instituted on 12.04.2023 i.e. after delay of 10 days without giving any explanation of the said delay only to falsely implicate the petitioners in the present case. He further submits that except the aforesaid, no other material has come during investigation to suggest the involvement of the petitioners in the present occurrence.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that the petitioner nos. 1, 2 and 3 carries two criminal antecedents and petitioner no. 4 carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioners are on bail in all the cases.

6. Considering the aforesaid facts and circumstances that the name of the petitioners have been transpired on the basis of suspicion and no other material has come during



investigation to suggest the involvement of the petitioners in the present occurrence, 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 bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IX, Darbhanga in connection with Bishanpur P.S. Case No. 38 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers 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 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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