

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1116 of 2024

Arising Out of PS. Case No.-237 Year-2023 Thana- BARHARA KOTHI District- Purnia

1. Subham Kumar son of Bhudal Yadav R/o vill- Devri PS-Barhara Kothi Dist-Purnea
2. Budhal Yadav Late Munshi Yadav R/o vill- Devri PS-Barhara Kothi Dist-Purnea
3. Bablu Kumar @ Bablu Yadav son of Bijen Yadav R/o vill- Devri PS-Barhara Kothi Dist-Purnea

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Adv.
For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with Barhara P.S. Case No. 237 of 2023 lodged under Sections 147, 148, 149, 341, 323, 302, 307, 448, 504, 506, 509 of the I.P.C. read with Section 27 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been lodged against sixteen named accused persons including the petitioners. The specific allegation is against the Shubham Kumar (petitioner No.1) who fired gun shot upon the wife of informant due to which she died. The allegation on accused



No.2, namely Budhal Yadav that he has pressed the neck of the informant and there is no allegation against the petitioner No. 3 (Bablu Kumar).

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that both the informant and the accused persons are resident of same village and on petty dispute of the village, the *Panchayati* took place, but even then matter could not be resolved and this dispute took place which resulted into cause of death of wife of informant.

5. Learned counsel for the State opposes the prayer for bail and submits that there is specific allegation against the petitioner No.1 due to which death caused whereas petitioner No.2 and 3 are concerned, there is allegation against petitioner No.2 to assault the informant's neck, but no specific allegation against the petitioner No.3.

6. Upon specific query whether charge has been framed or not. Counsel submits that charge has not been framed till date.

7. In the present facts and circumstances of this case and the submissions made above, this Court is not inclined to grant bail to the petitioner No.1. Therefore, the bail application



of the petitioner No.1 is hereby rejected.

8. So far as, the petitioner Nos. 2 and 3, namely, Budhal Yadav and Bablu Kumar, be granted bail, **but only after framing of charge**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IIInd, Purnea in connection with Barhara P.S. Case No. 237 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and



(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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