

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54472 of 2024

Arising Out of PS. Case No.-265 Year-2022 Thana- BAISI District- Purnia

1. Abdul Majid @ Majid Son Of Late Najir @ Imam Najir @ Imam Najir Village- Lotiabari, Ps- Baisi, Dist- Purnea
2. Gulam Rabbani @ Nawab Son Of Late Najir @ Imam Najir @ Imam Najir Village- Lotiabari, Ps- Baisi, Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 10-01-2025 Heard Learned Counsel for the petitioners, Learned
A.P.P. for the State and Learned Counsel for the informant.

2. The petitioners seek regular bail in connection with Baisi P.S. Case No. 265 of 2022 lodged on 29.06.2022, for the offences punishable under Sections 302, 120(B), 379 & 34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against 17 named accused persons including the present petitioners against whom there is allegation that they have created a plan and at the time of *Panchayati*, they attacked on two persons by means of deadly weapons resulting into death of both the persons.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel submits that there is general and omnibus allegation



against accused nos.10 to 17. Counsel submits that similarly situated persons have been granted bail by the Co-ordinate Bench of this Court *vide* order dated 17.05.2023 passed in Cr. Misc. Nos. 1169 of 2023 and 3809 of 2023. Counsel further submits that anticipatory bail application of petitioner no.1 was earlier rejected by the Co-ordinate Bench of this Court *vide* order dated 12.04.2023 passed in Cr. Misc. No.61999 of 2022. Counsel submits that criminal antecedent of petitioner no.1 is not clean as there are three cases pending against him in which Complaint Case No.483 of 2019 has been dismissed at the time of cognizance and criminal antecedent of petitioner no.2 is also not clean as there is one case pending against him. The petitioners are in custody since 07.03.2024 in the present case.

5. Learned Counsel for the petitioners further submits that progress report has been called for and from the said report, it transpires that charge has already been framed against the present petitioners and there are nine witnesses as per the charge-sheet, but no witness has been examined till 20.11.2024.

6. Learned A.P.P. for the State opposes the prayer for bail of the petitioners.

7. Learned Counsel for the Informant vehemently opposes the prayer for bail of the petitioners and submits that



trial has commenced and six witnesses have been examined.

8. In the present facts and circumstances of this case that charge has already been framed against the present petitioners and no purpose would be served keeping the petitioners in custody, let the petitioners above named be granted bail as well as on being satisfied by the Trial Court that the petitioners are not absconding in any of the cases pending against them whose details are mentioned below, and on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Purnea in connection with Baisi P.S. Case No. 265 of 2022, subject to the conditions as laid down U/s 437(3) Cr.P.C.

9. Pending cases against petitioner no.1 are as follows:-

- Baisi P.S. Case No. 256 of 2018
- Baisi P.S. Case No.192 of 2021

Pending case against petitioner no.2 is as follows:-

- Baisi P.S. Case No.192 of 2021.

(Dr. Anshuman, J)

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