

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80589 of 2024

Arising Out of PS. Case No.-98 Year-2023 Thana- GUTHANI District- Siwan

1. Manish Rajbhar S/o Dharmendra Rajbhar @ Dharmendra Thakur R/o Village- Thakur Gauri, P.S.- Gaur, District- Dewaria, U.P.
2. Deepak Kumar @ Deepak Gor S/o Bindeshwari Gor R/o Village- Thakur Gauri, P.S.- Gaur, District- Dewaria, U.P.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 18-01-2025 Heard Learned Counsel for the petitioners and
Learned A.P.P. for the State.

2. The petitioners seek regular bail in connection with Guthani P.S. Case No. 98 of 2023, lodged on 18.04.2023, under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution, the F.I.R. has been lodged against three named accused persons other than the petitioners against whom there is allegation that they have killed the informant's father in connivance with each other. The informant has seen that all the three named accused persons were fleeing away from the lane in front of the informant's house and pistol



was at the hand of one of the accused persons, namely, Uday Bhan @ Mantu Rajbhar.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel further submits that case diary has been called for and from the case diary, it transpires that petitioners' name has come in this case by virtue of confessional statement of the co-accused and there is no specific allegation against the petitioners even in the confessional statement that they have fired, rather the allegation is against one of the accused persons, namely, Uday Bhan @ Mantu Rajbhar. Counsel further submits that in the eyes of law, confession is valid only with its corroboration. Counsel further submits that the other accused persons have been granted bail by this Court as well as by the Co-ordinate bench of this Court *vide* order dated 19.04.2024 and 09.01.2024 passed in Cr. Misc. Nos. 6376 of 2024, 24532 of 2024 and 58431 of 2023 respectively. Counsel further submits that the criminal antecedents of the petitioners are clean and they are in custody since 17.08.2024. Counsel also submits that the petitioners are ready to fulfill all the conditions whatsoever shall be imposed by this Court.

5. Learned Counsel for the State opposes the prayer



for bail and submits that from the case diary, it transpires that it is not the petitioners who fired upon the informant's father. Counsel further submits that nothing incriminating has been recovered from the petitioners' possession and their name has figured in this case by virtue of the confessional statement of the co-accused.

6. Upon specific query of the Court, whether the charge has been framed or not. In response, Counsel for the petitioners submits that as per his knowledge charge has not been framed in this case.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail, **after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M.-8th, Siwan in connection with Guthani P.S. Case No. 98 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 his *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 his 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;

(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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