

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83936 of 2024

Arising Out of PS. Case No.-112 Year-2023 Thana- BARIYARPUR District- Munger

1. Krishna Kumar @ Nishant Kumar S/O Manoj Mandal R/o - Paria, P.S -
Bariarpur, District - Munger
2. Dablu Sah @ Dabbu Sah @ Ranjit Sah S/O Sambhu Sah R/o - Paria, P.S -
Bariarpur, District - Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjiv Kumar Singh
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh
For the Informant	:	Mr. Ranjan Kr. Jha, Adv.
		Mr. Rana Pratap Singh, Adv.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 25-02-2025 Heard learned counsel for the petitioners and learned

APP for the State as also learned counsel for the Informant.

Perused the case diary.

2. The petitioners seek bail in connection with
Bariarpur P.S. Case No. 112 of 2023 instituted for the offences
under Sections 302/34 of the Indian Penal Code and Section 27
of the Arms Act.

3. As per prosecution case, on 13.06.2023, the
Informant was sitting in his shop and heard the sound of firing.
He came to known by the passersby that his brother was
murdered by gunshot. Thereafter, the Informant ran towards the



place of occurrence and saw that all the F.I.R. named accused persons including the petitioner were firing indiscriminately. It is further alleged that they also injured other persons including the Informant. Due to this occurrence, the cousin brother of the Informant and one other person died.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case with false and frivolous allegations. The petitioners have not committed any offence as alleged in the F.I.R. Nothing incriminating has been recovered from the conscious/physical possession of the petitioners. Learned counsel for the petitioners further submits that there is no direct or specific allegation of any overt act against the petitioners rather the same is general and omnibus in nature. The allegation against the petitioners is only that of being members of the unlawful assembly and, therefore, Section 302 of the I.P.C. is not attracted against them. The specific allegation of firing to both the deceased is against the co-accused Dulo Mandal, Vicky Mandal, Dhiraj Mandal and Rahul Kumar. He further submits that the co-accused Jattan Mandal and Vikram Kumar have already been granted bail by a Co-ordinate Bench of this Court vide orders dated 03.01.2024 and 20.02.2024 passed in Cr.



Misc. No. 70505 of 2023 and 8077 of 2024 respectively. The petitioner no.1 has four criminal antecedents and in all of them, he is on bail. The petitioner no.2 has two criminal antecedents and he is also on bail in both of them. and are languishing in judicial custody since 21.05.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioners, stating that the offence alleged against the petitioners is serious in nature. The postmortem report supports the prosecution case. Both the petitioners bears criminal antecedents. Charge-sheet has been submitted against the accused persons including the petitioners under Sections 302/34 of the I.P.C. The petitioners are named in the F.I.R. and, hence, they do not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioners as also there being no specific and direct allegation of assault against the petitioners, let the petitioners, abovenamed, be released on bail, *after framing of charge if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with Bariarpur P.S. Case No. 112 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioners.

(ii) The petitioners shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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