

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6400 of 2025

Arising Out of PS. Case No.-432 Year-2023 Thana- KOTWALI District- Munger

1. Banti Kumar @ Banti Saw @ Satendra Kumar Son of Late Rajendra Sah Resident of Village- Nayagaon, Jadbahra, P.S.- Kotwali (Basudeopur), Distt.- Munger (Bihar)
2. Chhotu Kumar @ Salendra Kumar Son of Late Rajendra Sah Resident of Village- Nayagaon, Jadbahra, P.S.- Kotwali (Basudeopur), Distt.- Munger (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Sah, Adv.
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 31-01-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. This is the second attempt for bail. Earlier, the petitioners have moved before this Court with a prayer for bail which was rejected vide order dated 06.05.2024 passed in Cr. Misc. No. 25231 of 2024 and liberty was given to the petitioners to renew the prayer for bail before the court below if the trial is not concluded within a period of six months.

3. The petitioners seek bail in connection with S. Tr. No. 43 of 2024 arising out of Kotwali (Basudeopur) P.S. Case No. 432 of 2023 instituted for the offences under Sections 341,



323, 326, 307, 504/34 of the Indian Penal Code and Section 25(1-B)A, 26(i)(ii), 27 & 35 of the Arms Act.

4. Prosecution case as emanated from the FIR is that petitioners have assaulted the mother and father of the informant. It is alleged that petitioner No. 1 has assaulted the mother of the informant by means of '*Kulhari*' and has also fired upon the father of the informant while the allegation against petitioner No. 2 is that he has fired in the mouth of the father of the informant.

5. It has been submitted on behalf of the petitioners that the petitioners are in custody since 10-09-2023. Petitioners have no criminal antecedent.

6. It has been further submitted by the petitioners' counsel that petitioners have been falsely implicated in the present case. It is submitted that there is no eye witness to the occurrence. It is further submitted that occurrence took place at the house of the petitioners and father of the informant has also attacked the petitioners. The Informant is not the eye-witness to the alleged occurrence. It is submitted that nothing incriminating has been recovered from the possession of the petitioners and charge has also been framed in this case under Sections 307, 323, 341, 324, 326/34 of the Indian Penal Code



and Section 25(1-b), 26(i)(ii) of the Arms Act. Learned counsel for the petitioners further submits that three witnesses have been examined till date.

7. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners, stating that the allegation alleged against the petitioners is very serious. Two injured persons have sustained the injuries in the alleged occurrence and, hence, the petitioners do not deserve bail of this Court.

8. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioners and the petitioners having no criminal antecedent, let the petitioners, abovenamed, be released on bail 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 S. Tr. No. 43 of 2024 arising out of Kotwali (Basudeopur) P.S. Case No. 432 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 bond shall be liable to be cancelled by the court below.

(iii) If the petitioners tamper with the evidence or the witnesses of the case by intimidating/pressurizing the witnesses, during the investigation or trial, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(iv) If the petitioners are found indulged in any criminal activity or commission of any crime after being released on bail, the prosecution will be at liberty to file an appropriate application before the court below for cancellation of their bail bonds.

(Rudra Prakash Mishra, J)

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