

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43638 of 2014

Arising Out of PS.Case No. -31 Year- 2014 Thana -DULHIN BAZAR District- PATNA

=====

1. Manoj Kumar Son of Late Guru Charan Prasad
2. Dhiraj Kumar Son of Juadhi Prasad @ Indeshwar Prasad Both are
Resident of Village-Bhimnichak, P.S.-Dulhin Bazar, District-Patna.
..... Petitioners

Versus

The State of Bihar

..... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Soni Shrivastava

For the Opposite Party/s : Mr. Sanjay Kumar (App)

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 04-02-2015 Heard learned counsel for the parties.

Both the petitioners facing prosecution for offence under sections 302, 201, 120B/34 of the Indian Penal Code have a cutout defence that there is no eye witness to connect them in relation to the present occurrence and the motive for committing the occurrence cannot be ascribed against them because it was Arun Kumar, who had actually been said to be the person who had forcibly taken away the sister of the informant a month back leading to institution of Dulhin Bazar P.S.Case No. 16/2014. Mrs. Soni Shrivastava, learned counsel for the petitioners, has informed this Court that none of the petitioners are accused in that case and therefore, the allegation made against the petitioners in the present case remains at best based on suspicion.

That being so, this Court would direct both the



petitioners, namely, Manoj Kumar and Dhiraj Kumar, to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Danapur in Dulhin Bazar P.S.Case No. 31/2014, subject to the following conditions:

(i) That both the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the bailor shall also state on affidavit that they will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(iii) That the petitioners will give an undertaking that they will receive the police papers on the given date and be present on the date fixed for charge and if they fail to do so on two given dates and delay the trial in any manner, their bail will be liable to be cancelled for reasons of

misuse.

(iv) That the petitioners will be well represented on each and every date of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

surendra/-

U			
---	--	--	--