

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48247 of 2015

Arising Out of PS.Case No. -122 Year- 2015 Thana -RAJGIR District- NALANDA
(BIHARSHARIFF)

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1. Kanhaiya Kumar Son of Dinanath Singh @ Aklu Singh
2. Gautam Kumar Son of Late Janardan Singh Both residents of Village -
Belaur, P.S. Rajgir, District Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Chaudhary

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

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 02-12-2015 Heard learned counsel for the petitioners and learned
A.P.P. representing the State.

The petitioners seek bail in connection with Rajgir P.S.
Case No. 122 of 2015 registered for the offences punishable under
Sections 302, 201, 379, 34 of the Indian Penal Code.

Allegedly the petitioners and other F.I.R. named
accused persons took away the deceased from the house in the
night of 07.06.2015 and thereafter in the morning of 09.06.2015
the dead body of deceased was found lying in a bush and the dead
body was at the stage of decomposed condition.

Submission is of false implication and only on
suspicion he has been implicated. No one has seen killing the



deceased and except the theory of last seen, there appears nothing against the petitioners. After three months, some witnesses have come to say that they have seen the petitioners and other co-accused throwing the dead body whose statement are recorded in para 100, 101 and 102. Similarly situated co-accused Tunari Singh and Vicky Kumar have already been allowed bail vide order dated 23.09.2015 passed in Cri. Misc. 44228 of 2015 by another co-ordinate Bench of this Court and, as such, the petitioners also deserve sympathetic consideration to which the learned A.P.P. duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that petitioners and other co-accused were last seen with the deceased and further the three witness have seen the petitioners and others throwing the dead body of the deceased.

In the facts and circumstances stated above, considering that that three witnesses who have come to say that they have seen throwing the dead body, have been examined after much delay and this is a case of last seen. Similarly situated two co-accused have already been allowed bail and, as such, the petitioners above named are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the

Learned A.C.J.M., Nalanda arising out of Rajgir P.S. Case No. 122 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners will remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioner from privilege of bail.

sushma/-

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(Jitendra Mohan Sharma, J)