

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44979 of 2014

Arising Out of PS.Case No. -76 Year- 2014 Thana -JAMALPUR District- MUNGER

1. Birla Paswan son of Late Phari Paswan,
2. Veena Devi, wife of Birla Paswan,
Both are resident of Gayatri Nagar, Gali No. 4, Jamalpur, P.S. Jamalpur,
District Munger

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 16-02-2015 Heard learned counsel for the petitioners, learned counsel representing the State and learned counsel for the informant.

Petitioners seek bail in connection with Jamalpur P.S. Case No. 76 of 2014 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, a dead body was found kept in a gunny bag wrapped in a bed sheet and during investigation the petitioner confessed his guilt and after completing investigation the Police submitted chargesheet under Sections 304/201 of the Indian Penal Code. During investigation the dead body was identified to be of

one Arun Singh (Thantrik).

Submission is that the petitioners have falsely been implicated in this case, against them there is no legal and cogent evidence. The Thantrik was committing rape, then all the family members assaulted him by sticks and bat etc. The petitioner no. 1 is a railway employee and petitioner no 2 is his wife and both are old and sick persons. They are suffering in custody since 19.6.2014.

Prayer for bail has been opposed by the learned APP duly assisted by the learned counsel representing the informant by submitting that in the court of learned Chief Judicial Magistrate a petition has been filed as the petitioner no. 1 is causing threat not to depose and further in statement under Section 164 Cr.P.C. the girl has admitted regarding the complicity of the petitioners and also cognizance has been taken under Section 302 of the Indian Penal Code.

In the facts and circumstances stated above, the petitioners above named are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger in connection with Jamalpur P.S. Case No. 76 of 2014, subject to the conditions that

one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall 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 petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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