

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18749 of 2015

Arising Out of PS.Case No. -221 Year- 2014 Thana -THAKURGANJ District- KISANGANJ

1. Subir Bhadra. Son of Susanto Bhadra. Resident of Village - Goropita,
Police Station - Haskali in the District of Nadiya (West Bengal).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

with

Criminal Miscellaneous No.24809 of 2015

Arising Out of PS.Case No. -221 Year- 2014 Thana -THAKURGANJ District- KISANGANJ

1. Biltu Pramanik @ Bishwajeet Singh Son of Bil Bishwanath resident of
village - Garapota, Police Station - Hanskhali, District - Nadia, West Bengal

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.18749 of 2015)

For the Petitioner/s : Mr. Ranjeet Kumar

For the Opposite Party/s : Mr. Md.Ansarul Haque (App)

(In Cr.Misc. No.24809 of 2015)

For the Petitioner/s : Mr. Sanjeev Ranjan

For the Opposite Party/s : Mr. Nawal Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 07-10-2015 Above noted both the applications have arisen out of one occurrence i.e. Thakurganj (Galgaliya) P.S. Case No. 221 of 2014 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and as such they have been heard together and are being disposed of by this common order.



Kashi Nath Biswas the tenant of the informant brought two staffs on 08.08.2014 who are the petitioners to help him in Chandsi Clinic and on 10.08.2014 Raju Gupta raised alarm that Dr. Kashi Nath has been killed by cutting his neck, then the informant and others went and saw the dead body with blood stain and injury on neck and arm, further blood stained Dabiya was also lying there and two staffs were found traceless.

Submission is of false implication and that there is no eye witness of the occurrence, no one has seen the petitioners along with the deceased in the room rather Raju Gupta vide para 8 of the case diary has stated that both the petitioners were seen along with Dr. Saheb in the market in the evening and besides suspicion there is no cogent and reliable material against the petitioners and they are suffering custody since 04.09.2014 having no criminal antecedent.

Learned APP opposes the prayer of bail by submitting that the petitioners were with the deceased as both have come with him to help in the clinic and after the incident both disappeared and this fact has been supported by the witnesses during investigation.

In the facts and circumstances stated above, considering that there is no direct evidence, further the petitioners were seen in the market in the evening with the deceased as stated



by Raju Gupta and further considering that chargesheet has already been submitted and there is no chance of tampering with prosecution evidence, the petitioners named above of both the cases 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 Sri A. Suman, Judicial Magistrate, Ist Class, Kishanganj in connection with Thakurganj (Galgaliya) P.S. Case No. 221 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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