

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5715 of 2015

Arising Out of PS.Case No. -25 Year- 2014 Thana -KUCHAIKOTE District- GOPALGANJ

1. Satyendra Kushwaha @ Satyendra Bhagat
2. Binay Kushwaha @ Binay Bhagat Both sons of Late Indrasan Kushwaha residents of village - Khajuri Purv Tola, P.S. Kuchaikote, District Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y. V. Giri, Sr. Advocate
Mr. Pranav Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE AMARESH KUMAR LAL
ORAL ORDER

3 21-04-2015 Heard the learned counsel for the petitioners and
the learned A.P.P. for the State.

The petitioners seek bail in a case for the offence punishable under Sections 364, 302/34, 120B, 208 & 379 of the Indian Penal Code.

The allegation against the petitioners is that the accused including the petitioners came to the house of the deceased (Dilip Kushwaha) and took him to purchase a Bolero vehicle. The deceased went with them by his Hero Honda motorcycle. Later on, he did not return and his dead body was found and the motorcycle was taken to the police station.



Learned counsel for the petitioner submits that there is no eye witness to the occurrence. However, during investigation it has come to light that the deceased had love affair with the daughter of the accused Yogendra Sharma and prior to the occurrence there had been altercation between Yogendra Sharma and the deceased. It has also come to light that there is land dispute between the petitioners and the informant and the petitioners were not on good terms with the deceased and the informant. The petitioners have no criminal antecedents. After investigation chargesheet has already been submitted and there is no chance of tampering with the witnesses.

Learned counsel for the other side has opposed the prayer and submitted that there is circumstantial evidence against the petitioners.

Considering the facts and circumstances of this case, the above-named petitioners are directed 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 learned Chief Judicial Magistrate, Gopalganj/court concerned, in

Kuchaikote P. S. Case no. 25 of 2014 *after framing of charge* with the following conditions :

1. One of the bailors will be the close relative of the petitioners.
2. The petitioners will not indulge in similar or in any other offence.
3. The petitioners will be well represented in the court.
4. In case of absence for two consecutive dates or in violation of the terms of the bail, their bail bonds will be liable to be cancelled by the court concerned.

(Amaresh Kumar Lal, J)

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