

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3316 of 2016

Arising Out of PS.Case No. -434 Year- 2015 Thana -KANTI District- MUZAFFARPUR

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1. Bishwnath Prasad Singh Son of Late Ram Bali Singh
2. Prabhat Kumar Ranjan @ Sonu @ Prabhat Ranjan son of Late Hari Nath Singh Both are resident of village- Lasgaripur P.S.- Kanti, District- Muzafarpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. S.D.Singh Yadav (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 07-04-2016 Heard the learned counsel for the petitioners, the learned A.P.P for the State as also the learned counsel for the Informant.

The petitioners seek bail in a case for the offences punishable under sections 302 and 201/34 of the I.P.C

Allegedly, a dead body of unknown male person aged about 38 years was found by the side of the road and on the basis of the statement of Chaukidar Nagendra Paswan the case was registered against unknown. During investigation the dead body was identified as of Vivek Kumar Singh Son of Nagendra Kumar Singh and Nagendra Kumar Singh filed an application on 22.09.2015 that the petitioners and other two co-accused had taken

away Vivek Kumar Singh for making deal of a land and it appears that they have killed him by the bricks and knife and other witnesses have also supported that the deceased was taken away by the petitioners and other co-accused.

Submission is of false implication and that the petitioners have got no criminal antecedents, there is no legal and tangible material against them, the dead body was found on 20.09.2015 and after two days the father of the deceased filed application implicating the petitioners and others, there is no eye witness of the occurrence, it can be a case of last seen and as such the petitioners deserve sympathetic consideration as they are suffering in custody since 22.09.2015, the independent witnesses have not supported the prosecution version which is evident from paragraphs- 66, 67, 68 and 69 of the case diary.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by submitting that the father of the deceased and other witnesses have supported the prosecution version which is mentioned in paragraphs- 22, 26 and 27 of the case diary and further from the call detail of the mobile it is apparent that the tower location of the deceased and the accused persons were at the same place at the time of occurrence which is evident from paragraph-9 of the

supplementary case diary.

In the facts and circumstances as stated above, considering that this is a case based upon the circumstantial evidence, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the petitioners are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of S.D.J.M. (West) Muzaffarpur in Kanti P.S. Case No. 434 of 2015, 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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