

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10831 of 2016

Arising Out of PS.Case No. -99 Year- 2012 Thana -GOPALPUR District- BHAGALPUR

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1. Lal Bahadur Singh Son of Ganesh Singh
2. Dinesh Singh Son of Late Phirangi Singh
3. Deepak @ Dipak Kumar Son of Dinesh Singh All resident of village -
Kalindinagar (Kaluchak), P.S. Gopalpur, District - Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar
For the Opposite Party/s : Mr. Suresh Pd. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 20-06-2016 Heard the learned counsel for the petitioners as well
as the learned A.P.P for the State.

The petitioners seek bail in a case for the offences punishable under sections 376, 511, 302, 201/34 of the I.P.C

Allegedly, Renu Kumari, the minor daughter of the informant, was found killed in the maize field and it is suspected that the criminals after committing rape might have killed her and threw away the dead body. During investigation the names of the petitioners transpire.

Submission is of false implication and that after six months of the alleged occurrence the informant has given his statement under section 164 of the Cr.P.C. and named the petitioners only on suspicion, there is no legal and tangible material against the petitioners, earlier name of Biro Kumar has

come in this case and accordingly charge sheet was submitted against him but later on after recording the statement of the informant and Manju Devi under section 164 of the Cr.P.C. the names of the petitioners have been implicated merely on suspicion resulting they are suffering in custody since 31.01.2016, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. submits that the names of the petitioners have come in the statement under section 164 of the Cr.P.C. though after delay.

In the facts and circumstances as stated above, 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 A.C.J.M. Naugachia, Bhagalpur in Gopalpur P.S. Case No. 99 of 2012/ G.R. No. 444 of 2012, 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.

Abhay/-

(Jitendra Mohan Sharma, J)

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