

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31867 of 2016

Arising Out of PS.Case No. -443 Year- 2014 Thana -DANAPUR District- PATNA

Satyendra @ Satish @ Satyendra Singh aged about 60 years, S/o Late Srikrit Narayan Singh, R/o Gaunpura, P.S.- Phulwari Sharif, District- Patna at present Chitragupt Nagar Road, No. 3A/5, P.S.- Danapur, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

with

Criminal Miscellaneous No.31931 of 2016

Arising Out of PS.Case No. -443 Year- 2014 Thana -DANAPUR District- PATNA

Bhaskar Kumar @ Bhaskar Singh aged about 22 years, S/o Satendra Singh @ Satish, R/o Gaunpura, P.S.- Phulwari Sharif, District- Patna at Present Chitragupt Nagar Road No. 3A/5, P.S.- Danapur, District- Patna

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

(In Cr.Misc. No.31867 of 2016)

For the Petitioner : Mr. Ghanshyam Tiwary, Advocate

For the Opposite Party : Mr. Ashok Kumar Singh (APP)

(In Cr.Misc. No.31931 of 2016)

For the Petitioner : Mr. Ghanshyam Tiwary, Advocate

For the Opposite Party : Mr. Ashok Kumar Singh (APP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 17-09-2016 Both the Criminal Miscellaneous are of the same occurrence and as such have been heard together and are being disposed of by this common order.

Heard learned counsel for the petitioners and the learned counsel representing the State.

The petitioners seek bail in connection with Danapur

P.S. Case No. 443 of 2014 registered for the offence punishable under Section 302 of the Indian Penal Code.

Allegedly, the son of the informant was found dead and the wife of informant told the informant that the wife of Satyendra Singh had called Anand on the roof and after some time, she came and told that Anand is unconscious. When the wife and mother of the informant went there and saw Anand dead. It is alleged that Anand has illicit relationship with the wife of Satyendra and for that Anand has been killed.

Submission is of false implication and that the petitioners are not named in the FIR. The petitioner Satyendra is the father and the petitioner Bhaskar Kumar is his son. Later on after making a plan, they have been implicated in this case as a matter of fact that the son of the informant has committed suicide by hanging himself. During investigation, the story has been developed and the name of both the petitioners has been come. They are not named in the FIR. The petitioners were not present in the house at the time of occurrence.

The learned APP duly assisted by counsel for the informant opposes by submitting that earlier petitioners have given threat to teach lesson Anand and ultimately in a pre-plan manner killed him by strangulating him and give color that he died

due to hanging. The involvement of the petitioner in the crime has come in Paras-8, 9 and 10 of the case diary. Further in postmortem report also cause of death has been found due to asphyxia as a result of strangulation leading to cardio-respiratory arrest.

In the facts and circumstances stated above and considering that the petitioners are not named in the FIR, their names have come later on during investigation, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such, the petitioners shall be released on bail on execution of bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Danapur in connection with Danapur P.S. Case No.443 of 2014, subject to the conditions that one of the bailors must be near relative of the petitioners 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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