

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45736 of 2015

Arising Out of PS.Case No. -16 Year- 2015 Thana -NARARI KALA KHURD District-
AURANGABAD

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1. Guddu Kumar @ Anil Kumar Son of Late Nathuni Singh, Resident of
Village- Narari Kala, P.S.- Narari Kala Khurd, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.48044 of 2015

Arising Out of PS.Case No. -16 Year- 2015 Thana -NARARI KALA KHURD District-
AURANGABAD

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1. Tai Kumar @ Anil Kumar Son of Dudheshwar Singh, r/o Village –
Narari Kala, P.S. - Narari Kala Khurd, District - Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.45736 of 2015)

For the Petitioner/s : Mr. Arun Kumar No. 1

For the Opposite Party/s : Mr. Bisheshwar Ram(App)

(In Cr.Misc. No.48044 of 2015)

For the Petitioner/s : Mr. Lal Bahadur Singh

For the Opposite Party/s : Mr. Ashok Kumar Singh (App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 07-01-2016 Both the criminal miscellaneous applications 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 learned

A.P.P. representing the State.

Petitioners seek bail in connection with Narari Kala Khurd P.S. Case No. 16 of 2015 registered for the offences punishable under Sections 302/201/34 of the Indian Penal Code.

Allegedly on 25.05.2015 at 6.00 P.M. the husband of the informant went towards his village and then the petitioners and Suresh Singh provided wine and then he went with them and thereafter the husband of the informant did not return and his dead body was found near culvert.

Submission is of false implication and that there is no eye witness of the occurrence, the informant and the mother of the deceased are also not eye witnesses, they have not seen the petitioners assaulting the deceased. The police after putting undue pressure has got recorded the confessional statement of the petitioners. No one has seen the deceased in the company of the petitioners and, as such, the petitioners who are suffering in custody since 27.05.2015, deserve sympathetic consideration as they have no criminal antecedent, Chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes the prayer of bail by submitting that the petitioners provided wine and the deceased went with them but did not return and his dead body was found.

In the facts and circumstances stated above, considering that there is no direct evidence against the petitioners and they by remaining in custody, have been sufficiently penalized, chargesheet has already been submitted and there is no chance of tampering with prosecution evidence and, as such, the petitioners, above named are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned Judicial Magistrate, 1st Class, Aurangabad arising out of Narari Kala Khurd P.S. Case No. 16 of 2015 subject to the conditions that one of the bailors must be 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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