

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5724 of 2016

Arising Out of PS.Case No. -162 Year- 2014 Thana -GOPALPUR District- BHAGALPUR

Sikandar Sah, Son of Bhuskari Sah Resident of Village- Karari Tintanga,
P.S. Gopalpur, District Bhagalpur.

..... Petitioner
Versus
The State of Bihar

..... Opposite Party

with
Criminal Miscellaneous No.6392 of 2016

Arising Out of PS.Case No. -162 Year- 2014 Thana -GOPALPUR District- BHAGALPUR

Bhuwneshwar Sah, Son of Sri Bhuskari Sah, Resident of Village - Karari
Tintanga, P.S. Gopalpur, District - Bhagalpur.

..... Petitioner
Versus
The State of Bihar.

..... Opposite Party

Appearance :
(In Cr.Misc. No.5724 of 2016)
For the Petitioner/s : Mr. Ranjan Kumar Jha
For the Opposite Party/s : Mr. T.N.Thakur (APP)
(In Cr.Misc. No.6392 of 2016)
For the Petitioner : Mr. N.K. Agarwal, Sr. Advocate
For the Opposite Party/s : Mr. R.B. Roy Raman (APP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 01-04-2016 Both the above noted applications have arisen out of one occurrence, i.e. Gopalpur P.S Case No. 162 of 2014 registered for the offence punishable under Section 302/34 of the Indian Penal Code and, as such, they have been heard together and are being disposed of by this common order.

On behalf of the informant counter affidavit has been filed, let it be kept on record.

Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the informant.

This case has been lodged on the basis of complaint petition dated 07.05.2014 for the alleged occurrence of 14.03.2014 with allegation that the petitioners with an intention to grab the sale proceed of crops killed the mother of the complainant and gave wrong information to the complainant and under their believe the complainant and others cremated the dead body, but photographs of the dead body were taken and from the photographs later on it reveals that mother of the informant was strangulated to death.

Submission is of false implication and that the case has been lodged after much delay only with a view to extract money from petitioners. The prosecution story appears not probable and reliable, besides suspicion, nothing has come during investigation, alleged photographs appeared manufactured one. There is no tangible material against the petitioners and without any fault, they are suffering in custody since 08.01.2016. During investigation also in spite of notice given, the informant did not co-operate with the Investigating Officer and taking the advantage of the position the complainant/informant has implicated the petitioners.

Learned APP duly assisted by the learned counsel for

the informant opposes the prayer of bail by submitting that the petitioners are causing threats and if they are released there is every chance that prosecution witnesses will not turn up due to fear, the petitioners are criminals and they have got criminal antecedent, after finding the sufficient material, chargesheet has already been submitted against them and, as such, they do not deserve bail.

In the facts and circumstances stated above, considering the delay in lodging the First Information Report and further chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioners are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of the learned A.C.J.M., Naugachia, Distt. Bhagalpur in connection with Gopalpur P.S. Case No. 162 of 2014, 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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