

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28434 of 2017

Arising Out of PS.Case No. -178 Year- 2016 Thana -MAHNAR District- VAISHALI(HAJIPUR)

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1. Ramanand Rai, son of Ram Chandra Rai,
 2. Hari Shankar Sah, son of Late Jageshwar Sah, Both are resident of Village- Hasanpur, P.S.- Mahnar, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Umesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ajay Kumar-1, APP
For the Informant : Mr. Chaubey Jawahar, Advocate
Mr. Dharendra Kumar Singh, Advocate

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 03-08-2017 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

Petitioners are languishing in custody since
09.03.2017 in connection with Mahnar P.S. Case No. 178 of
2016 registered for offences punishable under Sections 302/34
of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his son after taking food in the night was sleeping in the
Dalan and when his daughter, Priyanka Kumari went to give
him tea in the morning, she found her brother dead and was
severely assaulted by sharp cutting weapon in various parts of



the body.

It has been submitted by the learned counsel for the petitioners that they are innocent, there was one case under Section 396 of the Indian Penal Code pending against them in which they have been acquitted and except that he bears no criminal history. It is further submitted that it is only on the basis of suspicion that the petitioners have been made accused and the mother of the deceased has named them along with one another to have been last seen with the deceased. He submits that one of the co-accused Deepak Kumar Singh, who was also last seen along with the deceased, has since been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 32572 of 2017 on 25.07.2017 on similar allegation. He submits that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned counsel for the informant vehemently opposes the prayer for bail stating therein that the mother and the sister have seen the petitioners along with one another co-accused with the deceased a night before and they were on inimical terms. He submits that the petitioners do not



have clean antecedent, although acquitted in the said case. Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.25,000/-(twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Mahnar P.S. Case No. 178 of 2016, subject to the following conditions:

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall cooperate in the disposal of the trial and make themselves available as and when required by the court and in the event of failure on their part to appear before the learned Court below on two



consecutive dates without showing any genuine reasons, the prosecution will be free to move for cancellation of their bail bonds.

(Nilu Agrawal, J.)

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