

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34355 of 2017

Arising Out of PS.Case No. -176 Year- 2015 Thana -SAHPUR District- PATNA

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1. Akhilesh Kumar, S/o - Harnandan Rai, Resident of - Hanumanganj, P.S. - Shahpur, District - Patna.
2. Bhim Rai, S/o - Late Prasad Rai, R/o Balupath Rothia, P.S. - Digha, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey

For the Opposite Party/s : Mr. Arun Kumar Pandey

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 01-09-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are languishing in judicial custody since 27.04.2017 in connection with Shahpur P.S. Case No. 176 of 2015 for offences punishable under Section 370 of the Indian Penal Code and later on Sections 302, 201/34 of the Indian Penal Code has been added.

The prosecution case, as lodged by the informant, is that his son went out of the house on 19.10.2015 at 9.00 A.M. along with two persons, whose name he does not know, and did not return.



It has been submitted by the learned counsel for the petitioners that they are innocent and have been falsely implicated in the aforesaid case. He submits that although the date of occurrence is 19.10.2015, First Information Report has been lodged after two days. When the dead body was recovered, after two days thereafter Sanjay Rai and Sadhu Rai are alleged to have accompanied the informant's son and it has also been stated by the informant in his letter that the petitioners were seen along with his son. He further submits that there is no eye-witness to the alleged occurrence and it is only on the basis of hearsay that the petitioners have been made accused. It is submitted that there is a property dispute between both parties for which Title Suit No. 307/2014 is pending between them and that because of being on inimical terms the petitioners along with other persons have been made accused during investigation. It is further submitted that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioners.

However, learned APP for the State opposes the prayer for bail stating therein that the informant's son disappeared but after two days of lodging of First Information Report, the dead body was recovered and there is circumstantial evidence against



the petitioners.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged 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 learned Addl. Chief Judicial Magistrate, Danapur, Patna, in connection with Shahpur P.S. Case No. 176/2015, subject to the condition that one of the bailors would be a close relative of the petitioners having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioners and that petitioners will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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