

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52738 of 2017

Arising Out of PS.Case No. -65 Year- 2012 Thana -DINARA District- SASARAM (ROHTAS)

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1. KAIL SINGH SON OF HRIDYA NAND SINGH &	
2. JOKHANSINGH SON OF LATE RAM NARESH SINGH, BOTH RESIDENTS OF VILLAGE GHODVACHH TOLA, POLICE STATION DINARA, ROHTAS AT SASARAM	 Petitioners

Versus

The State of Bihar	 Opposite Party
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Appearance :

For the Petitioner/s	: Mr. Ramchandra Singh, Advocate
For the Opposite Party/s	: Mrs Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-11-2017 Counsel for the petitioners and the State are present.

The petitioners seek bail in a case registered for the offence under sections 302, 201 and 34 of the IPC.

Counsel for the petitioners submits that the petitioners are innocent and have been implicated in the case on suspicion. They are neighbourers of the deceased and have no concern with her family affair. Petitioner no. 2 is even not the named accused. Co-accused Binod Singh, husband of the deceased as well as co-accused Beera Singh have already been acquitted in the trial by the court below vide judgment dated 27.8.2013, passed in Sessions Trial No. 483 of 2012. Prior to the instant case, no case is pending against them, and they are in custody since 30.8.2017.

In the facts of the case, the bail application is allowed. Let both the petitioners as mentioned above be released on bail on furnishing bail bond of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate, Bikramganj, Rohtas in Dinara Police Station Case No. 65 of 2012, on the following



conditions:-

(a) One of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how they are related with him. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(b) The affidavit shall clearly state that the petitioners are not accused in any other case, and if they are, they shall not be released on bail.

(c) The bailors shall also state on affidavit that they will inform the court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter, the court below will be at liberty to initiate the proceeding for cancellation of bail on the ground of misuse.

(d) The petitioners will give an undertaking that they will receive the police papers on the given date and be present on date fixed for charge and if they fail to do so on two given dates and delays the trial in any manner, their bail will be liable to be cancelled for reasons of misuse.

(e) The petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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