

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3971 of 2017

Arising Out of PS.Case No. -26 Year- 2016 Thana -CHHATAPUR District- SUPAUL

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1. Umesh Das, Son of- Late Parmeshwari Das,
2. Sanjeet Kumar @ Sanjeet Das, Son of- Dinesh Das,
Both residents of Village- Kabiyahi, Police Station - Shankarpur, District-
Madhepura. Petitioners

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh

For the Opposite Party/s : Mr. Smt. Suman Kumari Singh

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

ORAL ORDER

2 28-02-2017 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners seek bail in connection with Chhatapur
P.S. Case No. 26 of 2016 registered for the offences punishable
under Sections 302, 201/34 of the Indian Penal Code.

On the basis of statement of Birendra Paswan,
Chaukidar, this case has been registered against unknown after
recovery of dead body of one unknown person. During
investigation Manju Devi identified from shirt, jacket and mobile
that the dead body is of her dewar Mantosh Yadav. Her statement
was also recorded wherein she alleged that Vivek took away
Mantosh Yadav on motorcycle to perform his marriage but
thereafter, Mantosh Yadav did not return and his dead body was
found. During investigation some of the witnesses have stated that



Vivek Yadav and petitioner no. 2 Sanjit Kumar @ Sanjit Das both came and took away Mantosh Yadav for performing his marriage, earlier the deceased used to teach the sister of Sanjit Das and his sister has come in the house of Mantosh Yadav then the petitioner Sanjit Das and his brothers have caused threat to kill him.

Submission is of false implication and that two versions are coming: in one version it is alleged that only Vivek has come and took away Mantosh Yadav whereas in another version it has come that Vivek and Sanjit Das both have taken away Mantosh on motorcycle and, as such, those versions are not reliable, further there was no motive for killing the deceased and the petitioners after their surrender are suffering in custody since 06.12.2016, there is no chance of tampering with prosecution evidence and there is no direct evidence against the petitioners and, as such, they deserve sympathetic consideration. Co-accused Vivek Yadav has been allowed bail vide Cr. Misc. No. 32085 of 2016.

Learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that name of the petitioner has come in the statement of two witnesses.

In the facts and circumstances stated above, considering that co-accused Vivek Yadav has been allowed bail



and the petitioners have voluntarily surrendered, the petitioners above named are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. II, Supaul in connection with Chhatapur P.S. Case No. 26 of 2016, subject to the conditions that one of the bailors must be a 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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