

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13680 of 2017

Arising Out of PS.Case No. -122 Year- 2016 Thana -SAHKUND District- BHAGALPUR

- =====
1. Naresh Mandal, S/o Late Hari Mandal.
 2. Amit Kumar, S/o Naresh Mandal. Both Resident of Village- Fatehpur, P.S. Shahkund (Sajour), District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Opposite Party/s : Mr. Jitendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 28-03-2017 Heard the parties.

This application has been filed in connection with Shahkund (Sajour) P.S.Case No.122 of 2016 for the offence under Sections 302, 201 and 120(B) of the Indian Penal Code.

According to the petitioners, they have been implicated in this case only on the basis of suspicion as the informant is the second wife of the petitioner no.1 and there was dispute with respect to partition. Husband of the informant was missing so she made allegation that there might be hands of the petitioners in this case. It has also come during the course of investigation that the dead-body of the deceased was recovered from the Well and thereafter in the postmortem report, it has come that the cause of death of the deceased was due to drowning and except that there is nothing against the petitioners. They are in custody since



03.08.2016.

Heard learned A.P.P. also, who has opposed the prayer for bail.

Having heard both sides and in view of the fact that there is only suspicion against the petitioners and the postmortem report shows that death was due to drowning and the petitioners have remained in custody for more than seven months, let the petitioners, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of S.D.J.M., Bhagalpur in connection with Shahkund (Sajour) P.S.Case No.122 of 2016.

With 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 co-operate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on their part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of their bail.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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