

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39563 of 2018

Arising Out of P.S.Case No. -1 Year- 2018 Thana -SIMULTALA District- JAMUI

- =====
1. Mahendra Singh S/o Late Gudri Singh @ Late Sudhir Singh
 2. Bhairua Singh @ Bhairav Singh S/o Late Sakal Singh Both are residents of village - Jamunia Tar, P.S. Simultalla, District - Jamui (Bihar).

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Dubey, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 25-07-2018 Heard learned counsel for the petitioners as well as learned APP for the State.

The petitioners are in custody in connection with Simultalla P.S.Case No.01 of 2018 registered for an offence under Sections 302, 201 and 120(B) of the IPC.

As per FIR, the husband of the informant received a telephone call in the night of 01.01.2018 and thereafter her husband went outside the house saying that one Naresh Yadav has called. Thereafter, her husband remained traceless and in course of search, she got information that her husband is lying near Dewan Asthan in an injured condition. The informant along with family members reached there and moved for his treatment to Ranchi where in course of treatment her husband died. The



informant has further alleged that these petitioners had come at her house and had threatened of dire consequences as the deceased had caught the hand of the daughter of the petitioners.

It has been submitted that the petitioners have falsely been implicated merely on suspicion. There is nothing in the case diary to show that the petitioners were involved in any way for committing murder of the deceased. The husband of the informant went traceless in the night of 01.01.2018 and after three days, he was found in an injured condition near Dewan Asthan. The informant has not given any information to police even after missing of her husband since last three days. In course of investigation, the witnesses have stated that these petitioners had threatened the deceased on the preceding night. Except the alleged threat, there is nothing in the case diary to show the complicity of the petitioners. Petitioners are in custody since 10.01.2018 having clean antecedent.

The learned APP opposed the submissions.

Considering the facts and circumstances of the case, prayer for bail is allowed. Let the above named two petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of CJM, Jamui in connection with Simultalla P.S.Case



No.01 of 2018 with following conditions:-

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

(Sanjay Kumar, J)

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