

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12332 of 2019

Arising Out of PS. Case No.-130 Year-2018 Thana- PASRAHA District- Khagaria

1. INDAL MUNI Son of Late Permashar Muni R/o village-Auta, P.S- Gogri, District- Khagaria
2. Sunita Devi Wife of Sadanand Muni R/o village- Dina Chakla, P.S- Pasraha, District- Khagaria
3. Prithvi Muni Son of Late Bhagabat Muni R/o village- Chhoti Itahri, P.S- Dhamdaha, District- Purnea

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 28-02-2019 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are languishing in judicial custody since 18.10.2018 in connection with Pasraha P.S. Case No. 130 of 2018 for offences punishable under Sections 212, 216-A and 353 of the Indian Penal Code.

The prosecution case, as lodged by the police personnel, is that while investigating Bihpur P.S. Case No. 402 of 2018 the prime accused Dinesh Muni was being searched for having killed Officer-in-Charge and injured many constables. It was found that petitioner no. 2 being the sister of criminal



Dinesh Muni had given him shelter. Then the police proceeded to his younger sister's house where Prithvi Muni (petitioner no. 3) brother-in-law of Dinesh Muni had also given him shelter. Thereafter petitioner no. 1 helped the said Dinesh Muni to catch a bus.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal history and no overt act has been committed by them. In fact, Sections 212 and 216-A of the IPC are bailable offence and the petitioners are languishing in judicial custody for more than four months.

However, learned APP for the State opposes the prayer for bail stating therein that being the family members of a criminal petitioners had given shelter to said Dinesh Muni.

Considering the facts and circumstances and the nature of allegations as well as the period of custody, 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 Judicial Magistrate, 1st Class, Khagaria, in connection with Pasraha P.S. Case No. 130 of 2018, subject to the following conditions :

1. One of the bailors would be a close relative of the petitioners having sufficient immovable property, who



will file an affidavit stating his relationship with the petitioners.

2. 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.
3. If the petitioners indulge in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of their bail bonds.

(Nilu Agrawal, J)

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