

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22655 of 2019

Arising Out of PS. Case No.-422 Year-2018 Thana- BIHPUR District- Bhagalpur

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Sarban Kumar Das @ Sharwan Kumar Das @ Shravan Kumar Das, (Male)
aged about 47 years, Son of Late Nago Das @ Nage Das, R/o Village-
Mauzmabad, P.S.- Bihpur (Bhabanipur @ Bhawanipur), District- Bhagalpur,
Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Singh, Adv.

For the Opposite Party/s : Mr.Rajesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 31-07-2019 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 302/201/34 of the Indian
Penal Code.

The prosecution case is that as per written report alleged
that the son (deceased) namely Uttam Kumar of the informant
was involved in a love affair with the daughter of the petitioner
due to which enmity developed between both the parties. The
petitioner and his son namely Manoranjan Das alias Phantus
threatened that they will kill Uttam Kumar if he will be again
seen in this area. The informant further said that his son went to
Banglore for work and came back home for celebrating Diwali



festival from Bangalore.

It is further submitted that on 31.10.2018 at 9.30 PM Manish Kumar Das S/O Shravan Das took away his son to his house by saying that there is a party at his house and when his son did not return then in the morning he went to the house of Sharvan Das and enquired his about his son. Later on his dead body was recovered from a husk room near Lakhna More Bandh.

Learned counsel for the petitioner submits that as per FIR there is no specific allegation against the petitioner. On the basis of suspicion, petitioner has made an accused. The petitioner has got no criminal antecedent and he is in custody since 02.11.2018.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Bihpur (Bhawanipur) P.S. Case No. 422/2018 to the satisfaction of the learned Additional Chief Judicial Magistrate-III, Naugachia, Bhagalpur, subject to the following conditions:

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.



(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by Court and his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Anjani Kumar Sharan, J)

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