

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77877 of 2018

Arising Out of PS. Case No.-589 Year-2018 Thana- BHABHUA District- Kaimur (Bhabua) *

1. Deepak Koeri Son of shree Koeri.
2. Dharmdeo Koeri Son of Vijay Koeri Both are resident of Village Nakhtawal,
P.S. - Bhabhua, Distt. - Kaimur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Shyam Bihari Singh
For the Opposite Party/s :	Mr.Sri Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 27-02-2019 Heard learned counsel for the parties.

Petitioners seek bail in **Bhabua P.S. Case No. 589 of 2018** registered for the offence punishable under Sections 302, 201 and 34 of the Indian Penal Code.

Informant is widow of deceased who in her written complaint has alleged that on 13.08.2018 at about 9:30 P.M. his husband Udai Thakur was taken away by FIR named accused including petitioners on the ground that the condition of his son is serious and he requires some *Black Magic* on which her husband went with them and in the morning she saw that her husband is lying dead and has alleged that petitioners have



killed him.

It has been submitted on behalf of the petitioners that incident is of 13.08.2018 whereas FIR has been instituted on 16.08.2018 only to falsely implicate them which is an afterthought. Postmortem Report suggests that the deceased died due to asphyxia caused by hanging. Petitioners have got no criminal antecedent and are in custody since 18.08.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate, Kaimur at Bhabua**, in connection with **Bhabua P.S. Case No. 589 of 2018**, with following conditions:-

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

(2) Petitioners 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 the Court and their absence on two consecutive dates without sufficient reason, their



bail bond shall be cancelled by the court below.

(3) If the petitioners tamper 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 petitioners.

(S. Kumar, J)

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