

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77846 of 2018

Arising Out of PS. Case No.-101 Year-2018 Thana- MUSRIGHRARI District- Samastipur

1. Raj Kumar Singh @ Raj Kumar S/o Umesh singh
2. Umesh Singh @ Umesh Kumar Singh S/o Late Bindeshwar singh Both resident of village- Fatehpur Bala, P.S. Musrigharari, Distt. - Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Chandra
For the Opposite Party/s : Mr.Sri Matloob Rab

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 31-01-2019 Heard learned counsel for the parties.

Petitioners seek bail in **Musrigharari P.S. Case No. 101 of 2018** registered for the offence punishable under Sections 302/34 of the Indian Penal Code and 27 of the Arms Act.

Informant who is the father of the deceased has alleged that when his son was going to the house of his Aunt, his friend Raj Kumar Singh, called him on his mobile and asked him to come to his house and when he went to his friend's house he was killed by FIR named accused persons.

It has been submitted on behalf of the petitioner that they are innocent and have been falsely implicated in this case due to enmity. There is no allegation of specific overt act against the petitioners. Petitioners have got no criminal



antecedent and are in custody since 23.07.2018.

Considering the aforesaid facts and circumstances of the case, let the **petitioner No.2** 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 **J.M., Ist Class, Samastipur**, in connection with **Musrigharari P.S. Case No. 101 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.

So far as **petitioner No.1** is concerned, there is specific allegation against him of calling the deceased from his mobile and he was murdered and dead body was found in his house as such, I am not inclined to enlarge the petitioner no. 1 on bail at this stage. Hence, the prayer for bail of the petitioner no. 1 is hereby rejected.

(S. Kumar, J)

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