

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.11596 of 2020**

Arising Out of PS. Case No.-40 Year-2019 Thana- ATHMALGOLA District- Patna

1. YUGAL RAI Son of Late Hari Rai Resident of Village - Bharosi Ray Ke Tola, P.S.- Athamalgola, Distt - Patna.
2. Sumant Rai Son of Yugal Rai Resident of Village - Bharosi Ray Ke Tola, P.S.- Athamalgola, Distt - Patna.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Kashyap, Advocate
For the Opposite Party/s	:	Mr.Shyam Bihari Singh, APP
For the Informant	:	Mr. Manoj Kumar Pandey, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 16-06-2020 Heard learned counsel for the petitioners, learned
APP for the State and learned counsel for the informant.

The petitioners in the present case are seeking regular bail in connection with Athmalgola P.S. Case No. 40 of 2019 registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that in the first information report there are general and omnibus allegations against the petitioners. It is alleged that all of them had taken away the three years old son of the informant and killed him by pressing his neck by a rope.

Learned counsel submits that the co-accused Fuliya Devi who happens to be the mother-in-law of the informant has



been enlarged on bail by a learned co-ordinate Bench of this Court in Cr. Misc. no. 67427 of 2019. It is further submitted that in course of investigation no independent witness has come forward to support the allegations.

Learned APP for the State as well as learned counsel for the informant have opposed the prayer for regular bail of the petitioners. It is submitted that these petitioners have killed three years old son of the informant because he was supposed to have born from some other persons.

Learned APP for the State was called upon by this Court to say as to whether there is any independent witness in the case diary to support the allegations. Learned APP submits that although three witnesses have supported the allegations but they are not the eye witness to the alleged occurrence and further it is not clear from the case diary that there is any independent witness or co-villager who has supported the allegations.

Having regard to the facts and circumstances of the case and taking note of the submissions of learned counsel for the parties wherein it appears that there are general allegations against the petitioners and the co-accused Fuliya Devi has already been granted by a learned co-ordinate Bench of this Court and in the case diary no independent material has been brought to the notice of this Court to support the prosecution version at this stage, let the



petitioners above named be released on bail in S. Tr. No. 857 of 2019 arising out of Athmalgola P.S. Case No. 40 of 2019 on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each each with two sureties of the like amount each to the satisfaction learned Additional Sessions Judge V, Barh, Patna, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, or the commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the petitioners shall present themselves in course of trial on each and every date which will be fixed in the matter and in case of two consecutive default in putting appearance before the trial court, the court below shall take step for cancellation of bail bonds of the petitioners.

And further condition that they will abide by and



observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic during the lockdown period. The authorities concerned shall take appropriate steps to ensure such observance prior to and after release of the petitioner.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

