

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.18091 of 2020**

Arising Out of PS. Case No.-135 Year-2019 Thana- BANGAWON District- Saharsa

1. SANTOSH KUMAR HARI Son of Upendra Hari Resident of Village - Safabad, Ward No. 4, P.S.- Bangaon, Distt - Saharsa.
2. Nirmal Hari Son of Upendra Hari Resident of Village - Safabad, Ward No. 4, P.S.- Bangaon, Distt - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ashok Kumar Mishra, Adv

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

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**

ORAL ORDER

4      20-10-2020                      Heard learned counsel for the parties.

Petitioners who are in custody seeks bail in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 326, 307, 302, 504 and 506 of the Indian Penal Code.

Informant in her written complaint has alleged that on 01.12.2019 at about 6:45 pm when she and her husband were watching TV in the meantime her husband received a call on his mobile from unknown number who asked him to come at Krishi Farm and thereafter her husband went to Krishi Farm on his bicycle and when he did not return after 2-3 hours then she started searching for her husband along with his co-villager and



on 02.12.2019 at about 6:00 am she came to know that her husband has been killed and his dead body is lying in the Mango orchard near Krishi Farm. FIR is against unknown.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case on mere suspicion and on the basis of confessional statement of co-accused Vijay Hari. Except confessional statement there is no incriminating material against the petitioners to rope them in this case. The weapons used in the aforesaid crime was recovered at the instance of the Sniffer Dog. Petitioners are brothers having no criminal antecedent and are in custody since 07.12.2019 and 10.12.2019, after voluntarily surrendering before the court below.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bonds of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Bangaon PS Case No. 135 of 2019**, 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 bonds shall be cancelled by the court below.

(3) If the petitioners 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 petitioners.

**(S. Kumar, J)**

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