

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24324 of 2020

Arising Out of PS. Case No.-99 Year-2019 Thana- SIKTA District- West Champaran

1. KUNDAN KUMAR @ RAHUL KUMAR Son of Krishna Prasad Resident of Village - Border Chowk, Ward No. 01, Sikta, P.S.- Sikta, District - West Champaran.
2. Babita Devi Wife of Late Santosh Kumar Resident of Village - Border Chowk, Ward No. 01, Sikta, P.S.- Sikta, District - West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-09-2020 This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioners and learned A.P.P for the State.

The petitioners seeks bail in Sikta P.S. Case No. 99 of 2019, registered for the offence punishable under Sections 302, 120(B) and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per prosecution case, on 18.12.2019 at 7.00 am, informant's grand daughter informed him that something has happened to her father. The informant went there and saw that



his son (deceased) was lying dead and there was gunshot injury on his head. The informant has suspicion against these petitioners that they might have killed his son.

It is submitted on behalf of the petitioners that petitioners have falsely been implicated in this case. Both parties are agnates. There is land dispute between the parties. Petitioner no. 2 is the wife of deceased. Save and except suspicion there is nothing against these petitioners. There is no other material evidence which shows complicity of these petitioners in the aforesaid crime. There is no eye-witness of the occurrence. Petitioners are in custody since 19.12.2019 having clean antecedent.

Considering the facts and circumstances of the case, the petitioners above-named, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah West Champaran in connection with Sikta P.S. Case No. 99 of 2019, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be



cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

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