

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28275 of 2020

Arising Out of PS. Case No.-276 Year-2019 Thana- JAGDISHPUR District- Bhagalpur

1. MD. JERGAM @ JERGAM S/o Late Hasnu Resident of Village-Hussainabad, Puraini, P.S.-Jagdishpur, District-Bhagalpur.
2. Md. Tarik @ Tarik S/o Late Burhan @ Burahan Azad Resident of Village-Hussainabad, Puraini, P.S.-Jagdishpur, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Anita Kumari Singh

For the Opposite Party/s : Ms. Renuka Ratnakar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 21-12-2020 This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

Heard both parties.

The petitioners seek bail in Jagdishpur P.S. Case No. 276 of 2019, registered for the offence punishable under Sections 302, 201 and 34 of the Indian Penal Code.

As per prosecution case, petitioners along with co-accused Ejaj called upon the informant's husband and took him to Kila Maidan. It is further alleged that all the accused persons including the petitioners committed murder of husband of informant and threw his dead body into the well in the night



itself.

It is submitted on behalf of the petitioners that petitioners have falsely been implicated in this case simply on suspicion. There is no eye-witness of the occurrence. There is no external or internal injury on the person of deceased and cause of death is asphyxia and shock due to ante mortem drowning, as per the postmortem report. Charge sheet has already been submitted. Similarly situated co-accused has been granted bail by this court. Petitioners are in custody since 04.12.2019 having no criminal antecedent, as stated in para 3 of the petition.

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, Bhagalpur in connection with Jagdishpur P.S. Case No. 276 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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