

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 29955 of 2020

Arising Out of PS. Case No.-77 Year-2019 Thana- RAUTARA District- Katihar

1. Rajesh Hansda Aged about 28 years Son of Kharanga Hansda @ Jay Ram Hansda Resident of Dharamganj Santhali Tola, P.S. Rautara District - Katihar.
2. Sunil Hembram aged about 22 years Son of Salkhu Hembram Resident of Dharamganj Santhali Tola, P.S. Rautara District - Katihar.
3. Salkhu Hembram aged about 45 years Son of Late Bhim Hembram Resident of Dharamganj Santhali Tola, P.S. Rautara District - Katihar.
4. Barki Devi aged about 40 years Wife of Salkhu Hembram Resident of Dharamganj Santhali Tola, P.S. Rautara District - Katihar.
5. Patras Hansda aged about 46 years Son of Late Ram Sai Hansda Resident of Dharamganj Santhali Tola, P.S. Rautara District - Katihar.
6. Demay marandi aged about 40 years Wife of Patras Hansda Resident of Dharamganj Santhali Tola, P.S. Rautara District - Katihar.
7. Khagra Hansda@ Kharga Hansda aged about 50 years Son of Late Ram Sai Hansda Resident of Dharamganj Santhali Tola, P.S. Rautara District - Katihar.
8. Shiv Lal Soren aged about 21 years Son of Sanjay Soren Resident of Dharamganj Santhali Tola, P.S. Rautara District - Katihar.
9. Manektar Tudu aged about 27 years Son of Jata Tudu Resident of Dharamganj Santhali Tola, P.S. Rautara District - Katihar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ajit Kumar Singh, Advocate
For the Opposite Party : Mr. Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 23-11-2020 Heard learned counsel for the petitioners and the State through Video Conferencing.

Petitioners seek bail in a case registered for the offence punishable under sections 302/34 of the Indian Penal Code.

Prosecution's case, in brief, is that the informant's nephew went outside on 3.7.2019 but he did not return home and on 6.7.2019 the informant knew that his dead body is lying at Dharamganj Santhali tola.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this



case. FIR is against unknown and the informant is not the eye witness to the occurrence. FIR has been lodged after lapse of three days only on recovery of the dead body. Nothing incriminating has come against the petitioners during investigation to connect them with the alleged offence. It is stated in paragraph 3 of the bail petition that the petitioners have got no criminal antecedent and they are in custody since 8.7.2019. Similarly situated co-accused Sunil Kumar Yadav has already been allowed bail by a co-ordinate bench of this Court vide order dated 27.5.2020, passed in Cr.Mis.No. 82273/2019.

In the facts of the case, prayer for bail of the petitioners is allowed. Let the petitioners, mentioned above, 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 Judicial Magistrate 1st class, Katihar in Rautara Police Station Case No. 77 of 2019 on the following conditions:-

(1) 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 on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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