

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 64587 of 2019

Arising Out of PS. Case No.-91 Year-2019 Thana- CHAUTHAM District- Khagaria

Munna @ Nishant Singh @ Munna Singh @ Nibhat Singh Aged about 32 years (Male) Son of Subhash Singh Resident of Village - Mohanpur, P.S.- Choutham, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 64728 of 2019

Arising Out of PS. Case No.-91 Year-2019 Thana- CHAUTHAM District- Khagaria

Prabhat @ Pallu Singh Aged about 35 years (Male) Son of Subhash Singh Resident of Village - Mohanpur, P.S.- Choutham, Distt - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 64587 of 2019)

For the Petitioner/s : Mr.Viveka Nandsingh

For the Opposite Party/s : Mrs.Rina Sinha

(In CRIMINAL MISCELLANEOUS No. 64728 of 2019)

For the Petitioner/s : Mr.Viveka Nandsingh

For the Opposite Party/s : Mr.Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 29-01-2020 Since both the aforesaid cases arise out of same F.I.R., both were taken up together for considering the prayer for bail.

The petitioners seek bail in Choutham P.S. Case No. 91 of 2019 registered for the offence under Sections 302/34 of the Indian Penal Code.



F.I.R. has been lodged against petitioners and two other persons on the allegation of murder of grandson of informant. In the F.I.R., the informant has alleged that 7-8 days ago, due to *bataidari* dispute, the aforesaid persons have threatened him for dire consequences and suspected that these named persons killed his grandson.

It is submitted on behalf of the petitioners that petitioners have falsely been implicated simply on mere suspicion. It is further submitted that there is no eye-witness to the said occurrence and only due to land dispute, petitioners' name has come. Only allegation against the petitioners is that they were lastly seen alongwith the deceased in the maize field while they were feeding him biscuit. Save & except this fact, there is nothing against the petitioners and both petitioners are in custody since the month of June, 2019. In this case, chargesheet has already been submitted.

It is submitted on behalf of counsel for the informant that in course of investigation, several witnesses have seen these petitioners with deceased. It is also submitted that both petitioners have criminal antecedent and as such, favourable order may not be passed against them.

However, considering the aforesaid facts and



circumstances as well as the fact that there is only suspicion against these petitioners, let the above named petitioners 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 Sri Satish Mani Tripathi, Judicial Magistrate, Khagaria in connection with Choutham. P.S. Case No. 91 of 2019 on the following conditions:

“(1) Petitioners shall cooperate 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-bonds 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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