

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67758 of 2019

Arising Out of PS. Case No.-119 Year-2019 Thana- EKMA District- Saran

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1. DHARMENDRA SHARAMA S/o Triloki Sharma @ Triloki Thakur R/o village- Fuchati Kala, P.S.- Ekma, District- Saran at Chapra
 2. Jitendra Sharma S/o Triloki Sharma @ Triloki Thakur R/o village- Fuchati Kala, P.S.- Ekma, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 05-03-2020 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are languishing in custody for the offence punishable under Sections 363 and 365/34 of the Indian Penal Code. Later on Sections 302, 201 and 120B of the Indian Penal Code were added.

The dead body was recovered on the disclosure statement of the petitioners from the place disclosed by the petitioners and some articles belonging to the deceased was also recovered from the place disclosed by the petitioners.

Learned counsel for the petitioners submits that as per Section 27 of the Evidence Act, only confession of the



petitioners to the aforesaid extent of recovery would be admissible and it cannot be presumed on that basis that murder was committed by the petitioners.

Learned counsel for the informant contends that besides aforesaid, there is evidence of last seen of the petitioners with the deceased.

Petitioners are in custody since 01.06.2019. Investigation of the case is already complete. There is no material to substantiate that the petitioners are going to tamper with the evidence or would hamper the trial.

Considering the nature of material available against the petitioners, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.20000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Ekma P.S. Case No. 119 of 2019, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioners shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.



(c) The petitioners shall not leave the country without
permission of the trial Court.

(Birendra Kumar, J)

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