

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7977 of 2020

Arising Out of PS. Case No.-148 Year-2008 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. SUNIL MANJHI Son of Rajinand Manjhi
 2. Subhash Yadav Son of Prahalad Rai @ Prahlad Yadav
Resident of Village - Charagaha, P.S.- Gopalganj, Distt.- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh
For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 29-02-2020 Heard learned counsel for the petitioners and
learned counsel for the State.

The petitioners apprehend their arrest in a case registered for the offence punishable under Section 302 and 34 of the Indian Penal Code.

Informant has alleged in her complaint which was referred to the police under Section 156(3) of Cr.P.C. for instituting FIR in which, she has alleged that petitioner took her deceased son with a promise that he will return after two hours but next day, his dead body was found.

It is submitted on behalf of the petitioners that the incident is of 8.5.2008 and present complaint was filed on 6.6.2008. Prior to institution of said case after recovery of dead



body, police had instituted a UD case in which the statement of informant was recorded in which she has not alleged anything incriminating against the petitioners. She has stated in her fardebyan before the police in UD case that she is not aware as to how he died and cause of death can be inferred after receipt of postmortem report. It is further submitted that the present complaint case was filed with oblique motive to falsely implicate the petitioners. Petitioners have no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Gopalganj P.S. Case No. 148/2008 G.R. No.1461/2008, T.R. No. 2154 of 2019 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.



(2) Petitioners shall co-operate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel their bail bonds.

(3) 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.

(S. Kumar, J)

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