

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11454 of 2021

Arising Out of PS. Case No.-490 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

1. Devendra Singh aged about 70 years S/O Late Sudama Singh R/O Village- Pakdi Aasli, P.S.- Sahebganj, District- Muzaffarpur
2. Shashi Bhushan Singh aged about 32 years S/o Devendra Singh R/o village- Pakdi Aasli, P.S.- Sahebganj, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Verma, Advocate

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 05-08-2021 Heard learned counsel for the petitioners and the State.

Petitioners seek bail in a case registered for the offence punishable under section 302 and other ancillary sections of the Indian Penal Code.

As per the prosecution case, co-accused Nitesh Kumar and Rama Kant Tiwary invited the informant's husband to his home for lunch. In the meantime, informant heard that her husband has been killed and when she rushed to the place of occurrence, she saw her husband's dead body was lying near the house of petitioner no.1. Informant suspects the hand of the petitioners and other accused persons named in the FIR in



the murder of her husband.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case on the basis of previous enmity. Informant is not the eye witness of the occurrence and save and except suspicion, there is no other substantive evidence to suggest the implication of these petitioners in the present case. It is further submitted that previously deceased had assaulted the petitioner no.1 for which he had lodged Sahebganj Police Station Case No. 298/2020 against the deceased and he was pressuring petitioner no.1 to compromise the case. Petitioners are in custody since 10.9.2020.

Learned counsel appearing for the State and the informant oppose the prayer for bail. They submit that there is specific allegation against the petitioners that they killed the husband of the informant whose dead body was found lying near the house of the petitioner no.1.

Considering the rival submissions of the parties, materials available on the record and the fact that save and except suspicion, there is no other substantive evidence to suggest the implication of petitioners in the present case, 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 the Chief Judicial Magistrate, Muzaffarpur in Sahebganj Police Station Case No. 490 of 2020 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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