

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20335 of 2021

Arising Out of PS. Case No.-64 Year-2005 Thana- BANKA District- Banka

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1. BRAJESH THAKUR @ JHINKA SON OF SADANAND THAKUR R/O VILLAGE- BHATKUNDI, P.S.- BANKA, DISTRICT- BANKA.
 2. GHANSHYAM THAKUR SON OF CHINTAMAN THAKUR R/O VILLAGE- BHATKUNDI, P.S.- BANKA, DISTRICT- BANKA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 06-09-2021 Heard learned counsel for the petitioners and the State.

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

As per the prosecution case, the informant who was living at Bhagalpur received a message over the mobile phone that his mother has been killed by some unknown criminals leading to the registration of F.I.R. against unknown.

Learned counsel appearing for the petitioners submits that petitioners have falsely been implicated in the case only on the basis of suspicion. It is further submitted that petitioners are not named in the FIR and there is no eye witness to the occurrence. No incriminating article has been recovered from the possession of the petitioners and after a lapse of 14 years of the occurrence the petitioners were arrested on 20.12.2020.



Similarly situated co-accused has already been granted bail by this court vide order dated 24.08.2021 passed in Cr. Misc. No. 18867/2020 and investigation in this case is complete.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case and the period of custody of the petitioners, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Banka in connection with Banka PS case No. 64/2005 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 his/ her absence on two consecutive dates without sufficient reason, his/her 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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