

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27444 of 2021

Arising Out of PS. Case No.-218 Year-2020 Thana- NADI P.S. District- Patna

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1. AJAY ROY @ AJAY RAY SON OF LATE DEVI RAY R/O VILLAGE-ALAMPUR, P.O.- KACHCHI DARGAH, P.S.- NADI, DISTRICT- PATNA.
 2. SANTOSH KUMAR @ SANTOSH RAY SON OF LATE KAMAL RAY R/O VILLAGE- ALAMPUR, P.O.- KACHCHI DARGAH, P.S.- NADI, DISTRICT- PATNA.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Naresh Ray, Advocate

For the Opposite Party/s : Mr.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

3 11-08-2021 Heard learned counsel for the petitioners and learned counsel for the State.

Petitioners apprehend their arrest in a case registered under Sections 302, 120(B)/34 of the Indian Penal Code.

Informant is the father of deceased, who in his written complaint has alleged that on 27.12.2020 at about 10:00 PM while he was sitting at his home, co-accused Dharmendra Kumar and Baiju Kumar came there and took away his son and petitioners followed them, but his son did not return back. In the next morning informant received information that dead body of his son is lying on N.H. 30 and after getting information he and

his family members went there and saw that his son is lying dead. The informant suspected that petitioners alongwith FIR named accused in conspiracy have killed his son.

It has been submitted on behalf of petitioners that they are innocent and have been falsely implicated in this case only on the basis of suspicion. There is no eye witness of the occurrence. It has been further submitted that allegation is that co-accused Dharmendra Kumar and Baiju Kumar took away son of the informant and allegation against these petitioners is to have followed them. It has been further submitted that son of informant died in a road accident. No motive has been assigned for said killing. Deceased himself was a history sheeter. Petitioners have no criminal antecedents.

Considering the facts and circumstances of the case, prayer of anticipatory bail is allowed and petitioners named above in the event of arrest or surrender before the court below within four weeks from today, Petitioners are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. VI, Patna City, District- Patna, in connection with Nadi P.S. Case No. 218 of 2020 corresponding to G.R. No. 4787 of 2020 subject to the

conditions as laid down under Section 438(2) of the Code of Criminal Procedure 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 properly represented on each and every date fixed by the court and their absence on two consecutive dates without proper and sufficient reason the trial court will be at liberty to cancel their bail bonds.

(3) If the petitioners tampers 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)

Rajiv/veena-

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