

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28015 of 2021

Arising Out of PS. Case No.-24 Year-2020 Thana- SIDHWALIYA District- Gopalganj

1. BIRENDRA BIN Son of Manager Bin Resident of Village Rampur, P.S. Sidhwaliya, District - Gopalganj.
2. Saroja Devi Wife of Birendra Bin Resident of Village Rampur, P.S. Sidhwaliya, District - Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-11-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and learned counsel for the informant as well as the learned A.P.P. for the State.

The petitioners seek bail in connection with Sidhwaliya P.S. Case No. 24 of 2020 registered for the offence under Sections 302 and 34 of the Indian Penal Code.

On demand of share in property, the husband of the informant is subjected to brutal assault by lathi and danda as a result of which he sustained injuries and succumbed to the injuries during course of treatment.



Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have not committed any offence. In fact, the petitioners happen to be brother and sister-in-law (Bhabhi) of the deceased, respectively. There is general and omnibus allegation against the petitioners and no specific allegation of assault is attributed to them. As a matter of fact, the doctor, who has conducted postmortem of the deceased, has opined that head and chest injuries were found on the person of the deceased due to which victim died and only one external injury on the head of the deceased was found. Moreover, the co-accused, namely, Manager Bin has already been granted bail vide order dated 05.01.2021 by a co-ordinate Bench of this Court passed in Cr. Misc. No. 35459 of 2020. The petitioner is rotting in judicial custody since 08.01.2021.

Learned counsel for the informant as well as learned A.P.P. for the State has opposed the prayer for bail of these petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st, Class, Gopalganj in connection with Sidhwaliya P.S. Case No. 24 of 2020 subject to 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 bonds shall be canceled 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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