

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30310 of 2021

Arising Out of PS. Case No.-17 Year-2020 Thana- BATH District- Bhagalpur

1. Ankit Kumar @ Niraj @ Niraj Kumar Son of Santosh Kumar Resident of Village - English Khanpur, P.S.- Bath, District - Bhagalpur
2. Gaurav Kumar Son of Sanjay Mandal Resident of Village - English Khanpur, P.S.- Bath, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Davendra Kumar Pandey,Advocate

For the Opposite Party/s : Mr.Pramod Kumar Pandey,APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 30-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioners seek bail in Special Case (Children) No. 12 of 2020, arising out of Bath P.S. Case No. 17 of 2020, registered for the offence under Sections 302, 201/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution case, on the alleged date and time of occurrence, the husband of the informant had gone to see his maize field and informed from there on mobile of his elder son that he would return after some time and going to meet co-accused Taplu alongwith petitioners, but till night, husband of informant did not return and on the next day, the dead-body



of husband of informant was found on the bank of *Gaidha* river. The informant suspects that these petitioners alongwith FIR named accused persons have committed the murder of her husband.

It is submitted on behalf of petitioners that petitioners have been made accused in this case only on the basis of suspicion. During course of investigation, no incriminating material has come to show complicity of the petitioners. At best, it is a case of circumstantial evidence, since petitioners were last seen with the deceased. Petitioners claim clean antecedent and they are in custody since 05.05.2020. Chargesheet has been submitted.

Learned A.P.P. for the State has opposed the bail petition.

Considering the rival submissions of the parties and the materials available on record, the bail petition of petitioners is allowed. Let the above named petitioners be released 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 learned Special Judge (Children), Bhagalpur in connection with Special Case (Children) No. 12 of 2020, arising out of Bath P.S. Case No. 17 of 2020, on the following conditions:



“(1) Petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, 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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