

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32944 of 2021

Arising Out of PS. Case No.-12 Year-2021 Thana- JALALPUR District- Saran

1. MANAGER RAI Son of Achheylal Rai Resident of Village - Suksena, P.S. - Jalalpur, District - Saran at Chapra.
2. Saban Ray @ Saban Rai Son of Late Sukhnandan Rai Resident of Village - Suksena, P.S. - Jalalpur, District - Saran at Chapra.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Sr. Advocate
For the Opposite Party/s : Mr. Arvind Kumar Pandey (APP, 84)

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-11-2021 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioners seek bail in connection with Jalalpur P.S. Case No. 12 of 2021 registered for the offences punishable under Sections 302/34 of the I.P.C.

According to prosecution case, on 12.01.2021 when the informant's husband was returning after closing his shop, the accused persons including the petitioners intercepted him and started abusing and assaulting him. Co-accused Pankaj Singh



gave sword blow due to which his neck cut and fell down on the ground. On alarm, neighbours assembled and informant's husband was taken to P.H.C., Jalalpur from where he was referred to Sadar Hospital, Chapra. While taking to Chapra, her husband died in the way. The informant further alleges that reason behind the alleged occurrence is land dispute and one day prior to the alleged occurrence, co-accused Pankaj Singh and Umesh Singh had thrown bricks from the disputed land and when the informant forbade, they had threatened to kill anyone tomorrow.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. Learned counsel further submits that petitioner no. 1 is physically challenged person and petitioner no. 2 is aged about 65 years and has been suffering from old aged ailments. As per FIR, there is general and omnibus allegation against the petitioners and allegation of commission of murder is against co-accused Pankaj Singh. Learned counsel further submits that there is no eye witness of the alleged occurrence. It is admitted fact that land dispute is going on between the parties. Petitioners are in custody since 14.01.2021.



The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioners, above named, 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 the learned Additional Chief Judicial Magistrate-13, Saran at Chapra in connection with Jalalpur P.S. Case No. 12 of 2021, 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 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.

3. 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 antecedent, 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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