

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30023 of 2020

Arising Out of PS. Case No.-252 Year-2019 Thana- HUSSAINGANJ District- Siwan

1. Indrajit Prasad @ Sharma Prasad @ Sharma Bind, aged about 27 years, Male, Son of Parma Bind
2. Baijnath @ Bholu Bind, aged about 44 years, Male, Son of Late Banshi Bind
3. Sandeep Kumar @ Sandeep Bind @ Sandeep Kumar Prasad, aged about 25 years, Male, Son of Baijnath Bind
4. Paras Bind, aged about 46 years, Male, Son of Late Banarsi Bind
5. Achchhelal Bind @ Achchhelal Prasad, aged about 50 years, Male, Son of Late Baleshwar Bind, all are resident of Village- Barka Tola Hathaura, Police Station- Hussainganj, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 24-02-2021 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Hussainganj P.S. Case No. 252 of 2019 registered for the offences punishable under Sections 302, 201, 120(B)/34 of the Indian Penal Code.

The prosecution case is briefly stated that the informant Sanjay Bind, son of Late Bandhu Bind has filed a written report before the S.H.O., Hussainganj Police Station on 07.09.2019 alleging therein that on 04.09.2019 at 08:00 hours



Sharma Bind called his brother Upendra Bind and taken away for fishing, who did not come home, then he asked Sharma Bind, but he did not tell anything. Then the informant searched his brother and asked from the relatives, but he did not trace out, in the meanwhile, during course of search on 06.09.2019 at about 09:00 hours, his brother Prabhunath Bind had gone to ease where some bad stench are coming, then he went at the place of stench and saw the dead body of his brother Upendra Bind and from the dead body, bad smell was coming, then his brother Prabhunath Bind came at the house and told about laying dead body of Upendra Bind in the maize field of Satan Sah, then the informant informed to the police and then the police came at the place of occurrence and sent the dead body of Upendra Bind for postmortem at Sadar Hospital, Siwan.

Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He further submits that the alleged occurrence has taken place on 04.09.2019 and the F.I.R. was instituted on 07.09.2019 after lapse of three days of the alleged occurrence. There is no eye witness of the alleged occurrence and even the informant was not an eye witness of the alleged occurrence. On perusal of the F.I.R., it would appear that there is land dispute with the



informant and these petitioners and in garb of land dispute, these petitioners have been falsely implicated in this case. There is no specific allegation or any overt act against the petitioner. On suspicion, the petitioners have been made accused in the present case and there is specific allegation against Sharma Bind, who has seen as last seen with the deceased. Learned counsel for the petitioners further submits that the petitioners have got no any criminal antecedent mentioned in paragraph-3 of the bail petition.

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

In the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of CJM, Siwan in connection with Hussainganj P.S. Case No. 252 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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