

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30406 of 2020

Arising Out of PS. Case No.-63 Year-2020 Thana- KOCHAS District- Rohtas

1. Pankaj Pal Son of Shri Ganga Prasad Pal @ Ganga Pal R/o Vill.-Bastalwa,
P.S.-Kochas (Parsathua O.P.), Distt.-Rohtas
2. Deepak Pal S/o Shri Ganga Prasad Pal @ Ganga Pal R/o Vill.-Bastalwa,
P.S.-Kochas (Parsathua O.P.), Distt.-Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv. with

Mr.Arjun Prasad, Adv.

For the State : Mr.Parmanand Kumar APP

For the Informant : Mr. Chote Lal Mishra, Adv.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

7 29-01-2021 Heard learned counsel for the petitioners, informant and learned APP for the State.

Learned counsel for the petitioners is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioners seek bail in Kochas (Parsathua OP) PS Case No 63 of 2020, instituted for the offence under Section(s) 302, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

The case of the informant is that his son was sleeping at the '*Dallan*' for the last two days along with petitioners and



Babu Lal Sharma. On the fateful night, the petitioners have communicated to the informant that his son has been done to death by some thieves.

Learned senior counsel for the petitioners submits that implication of the petitioners is palpably based only on suspicion as the case of the informant itself is that they were sleeping together so there is no enmity apparent between the parties and, therefore, other than suspicion, there is nothing to connect the petitioners with the alleged occurrence. Petitioners have no criminal antecedents and they are in custody since 27.04.2020.

The learned APP for the State and counsel for the informant have opposed the prayer for bail by submitting that while the victim had gone to sleep at the '*Dallan*' with the petitioners, he has been murdered and therefore, the petitioners should not be allowed the privilege of regular bail.

Considering the aforesaid, 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- 1st Sasaram, Rohtas, in connection with Kochas (Parsathua OP) PS Case No 63 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail



bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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