

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31802 of 2020

Arising Out of PS. Case No.-48 Year-2020 Thana- SINGHIYA District- Samastipur

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1. Md. Azad, aged about 32 years (Male), Son of Md. Mustak
 2. Sajjan Ram, aged about 28 years (Male), Son of Upendra Ram

Both Resident of Village-Lilhaul, P.S-Singhiya, District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar with Mr. Vinay Kumar Mishra, Advocates
For the State	:	Mr. Ram Naresh Roy, APP
For the Informant	:	Mr. Gaurav Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date : 05-01-2021

Heard Mr. Manoj Kumar, learned counsel, along with Mr. Vinay Kumar Mishra, learned counsel for the petitioners; Mr. Ram Naresh Roy, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Gaurav Kumar, learned counsel for the informant.

2. The petitioners are in custody in connection with Singhiya PS Case No. 48 of 2020 dated 09.04.2020, instituted under Sections 302/34 of the Indian Penal Code.



3. The allegation against the petitioners is that they along with other accused had killed the son of the informant.

4. Learned counsel for the petitioners submitted that the petitioner no. 1 is the full brother of the informant and petitioner no. 2 is his labourer. It was submitted that from the FIR itself it is clear that the disclosure has been made by one Md. Bijli leading to recovery of the body. It was submitted that it is improbable and highly doubtful that Md. Bijli would know the exact location of the dead body when he claims to have saved himself by running away. It was further pointed out that even in the so-called confessional statement of the petitioners, that too, before the police, Md. Bijli does not figure anywhere and most importantly the injury report of Md. Bijli is simple in nature which would not have made him so incapacitated that he could not report that the deceased was being brutally assaulted. Learned counsel submitted that the petitioners having no criminal antecedent are in custody since 11.04.2020.

5. Learned APP and learned counsel for the informant submitted that the petitioners have confessed about their involvement. However, they could not explain as to why the petitioners have not even stated with regard to Md. Bijli, much less about him having been assaulted and that the injury report



of Md. Bijli discloses the same to be simple in nature.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Rosera, Samastipur in Singhiya PS Case No. 48 of 2020, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners, and (iii) that the petitioners shall also give an undertaking to the Court that they shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

7. However, this order is subject to the main application supported by affidavit being *e* filed in this Court by learned



counsel for the petitioners latest by Monday (11.01.2021).

8. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

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