

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 382 of 2021

Arising Out of PS. Case No.-160 Year-2019 Thana- GUTHANI District- Siwan

1. SHIVJI RAJBHAR @ SHIVJEE BHAR SON OF RAJ KISHOR RAJBHAR RESIDENT OF VILLAGE-GEYASPUR,P.S-GUTHANI, DISTRICT-SIWAN
2. RAMU RAJBHAR SON OF DHANESH RAJBHAR RESIDENT OF VILLAGE-GEYASPUR,P.S-GUTHANI, DISTRICT-SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr Ajay Kumar Tiwary, Advocate
For the State	:	Mr Nityanand, APP
For the Informant	:	Mr Bijay Prakash Singh, Advocate

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

- 3 18-03-2021** Heard learned counsel for the petitioners, learned counsel for the informant and the learned APP for the State.

The petitioners seek bail in Guthani Police Station (for brevity, *PS*) Case No 160 of 2019 dated 10.10.2019 instituted for the offence punishable under Sections 363, 364, 302, 201/34 of Indian Penal Code.

Five persons, including these two petitioners, have called the informant's brother in the evening. His belongings including some clothes have been found in the field on the next day. Apprehending that his brother has been murdered, informant has lodged the present case.



It is submitted by the petitioners' counsel that as per First Information Report, the alleged victim has accompanied the petitioners and there is no allegation against them that he was forcibly taken by them. The parties are agnates and implication is based on subsisting land dispute and family dispute, merely on suspicion. Till date, even the dead body of the victim, has not been recovered. The informant is not an eye witness to the occurrence and the petitioners, having no criminal antecedent, are in custody since 26.12.2019 and 03.01.2020.

Learned counsel for the informant submits that only after these petitioners have taken away the victim, he did not return, and till date, his dead body has not been recovered. Learned APP for the State also opposes the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Siwan in Guthani PS Case No 160 of 2019 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.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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