

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37479 of 2020

Arising Out of PS. Case No.-55 Year-2020 Thana- MEDNI CHAUKI District- Lakhisarai

1. Md. Gani aged about 55 years Son of Late Noor Mohamad Resident of Village - Abgil Rampur, P.S.- Mednichowki, District - Lakhisarai.
2. Md. Farooque @ Anwar @ Md. Anwar aged about 30 years Son of Md. Gani Resident of Village - Abgil Rampur, P.S.- Mednichowki, District - Lakhisarai.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Krishna Pd.Singh, Sr. Advocate and Parmanand Pd. Nr. Sahi, Advocate
For the Opposite Party/s :		Mr. Umeshannd Pandit, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 16-03-2021 Heard learned counsel for the petitioners and the State.

Petitioners seek bail in a case registered for the offence punishable under sections 363/302/201 of the Indian Penal Code.

As per the prosecution case, informant's son, who was sleeping on the roof, became traceless from 21.6.2020 morning. He was accused in a case and had been released on bail some time back. Later on his dead body was recovered from a bush on 23.6.2020.

Learned counsel for the petitioners submits that the FIR is against unknown persons. The informant even in her



re-statement recorded in paragraph 52 of the case diary has stated that on day of occurrence in the night she had seen two persons in suspicious condition, namely, Md. Sonu and his brother Akhtar and not named these petitioners. However, petitioners name has come in the case on the confessional statement of co-accused. Save and except, there is no other material to connect the petitioners with the offence. Petitioners have got clean antecedent as stated in paragraph 3 of the bail petition. Petitioners are in custody since 28.6.2020. Charge sheet has already been submitted.

Considering the facts and circumstances of the case and the fact that during course of investigation, no incriminating material has been collected against the petitioners and they have got no criminal antecedent, let the petitioners, mentioned above, be enlarged 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 Additional Chief Judicial Magistrate-I, Lakhisarai in Mednichowki Police Station Case No. 55 of 2020 on 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.

(Prabhat Kumar Singh, J)

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