

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38849 of 2020**

Arising Out of PS. Case No.-14 Year-2020 Thana- BELHAR District- Banka

1. ARVIND SINGH @ ARVIND KUMAR @ ARVIND KUMAR SINGH S/o Late Sahdeo Prasad Singh Resident of Village - Hatiya, P.S. - Belhar, Distt. - Banka
2. PRABHAKAR SINGH @ PRABHAKAR PRASAD SINGH, S/o Late Sahdeo Prasad Singh Resident of Village - Hatiya, P.S. - Belhar, Distt. - Banka

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Kumar Kamal Nayan, Advocate
For the Opposite Party/s : Mr. Ashok Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 14-07-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with G.R. No. 703 of 2020 arising out of Belhar P.S. Case No. 14 of 2020 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution story, on 12.01.2020 the



informant got information that her husband has been murdered by these petitioners and other co-accused while he was returning home. It is further alleged that the reason of murder is a land dispute between the petitioners and the deceased due to which the petitioner no. 1 used to threaten her husband to kill him.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case due to land dispute. It is further submitted there is no eye-witness to the alleged occurrence. Learned counsel submits that the petitioners are in custody since 22.06.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case wherein learned counsel for the petitioners has submitted and the same has not been controverted by learned A.P.P. for the State that there is no eye-witness to the alleged occurrence and no further material has been collected in course of investigation, save and accept the confessional statement of one co-accused Pappu Kumar who has alleged that the brother of the petitioner no. 2 had hired him for killing the deceased, the petitioner has otherwise no criminal antecedent and they have remained in jail



in connection with the present case since 22.06.2020, investigation against them is complete but the trial is not likely to take place in near future, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka in connection with G.R. No. 703 of 2020 arising out of Belhar P.S. Case No. 14 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

