

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1535 of 2021

Arising Out of PS. Case No.-83 Year-2020 Thana- BISFI (PATAUNA) District- Madhubani

1. SAHDEV RAM Son of Bauelel Ram Resident of Village - Jafara, P.s.- Bisfi (Patauna), Distt.- Madhubani.
2. Vidyanand Ram Son of Sahdev Ram Resident of Village - Jafara, P.s.- Bisfi (Patauna), Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Jha, Adv.

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 24-07-2021 Heard learned counsel for the petitioners and learned A.P.P.

for the State through virtual court proceeding.

The petitioners seek bail in connection with Bisfi (Patauna) P.S. Case No.83 of 2020, registered for the offence punishable under Sections 302, 201/34 of the IPC.

The prosecution case in short is that the son of informant along with his wife and children has gone to his in-laws house for attending a marriage ceremony. It is alleged that informant was told by a relative that dead body of his son was hanging from a Mango tree in an orchard. The informant suspected that his son was murdered by the petitioners.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have not committed any offence as alleged in the FIR. No offence as alleged has ever taken place.



They have been falsely implicated in this case due to annoyance, grudge and at the instance of their enemies. Petitioner no.1 is father-in-law and petitioner no.2 is brother-in-law of the deceased. There is general and omnibus allegation against the petitioners. There is no eye witness of the alleged occurrence and the petitioners have been named in this case merely on suspicion. The deceased had taken loan from several persons and they were pressurizing him for realizing their money, due to this, the deceased was under depression. The daughter of informant was also present in the house of petitioners and she would have informed him, if petitioners had any indulgence in the death of his brother. Charge has been framed against the petitioners. The petitioners have no criminal antecedent and have been languishing in custody since 16.03.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional C.J.M., Benipatti, in connection with Bisfi (Patauna) P.S. Case No.83 of 2020, subject to the following conditions:



(1) One of the bailors of both petitioners will be own close relative of the petitioners who will give on affidavit genealogy as to how they are related to petitioners. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(2) The bailors shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioners shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioners shall co-operate with the investigation, if not already concluded and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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