

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2485 of 2021**

Arising Out of PS. Case No.-215 Year-2019 Thana- ADAPUR District- East Champaran

1. RADHESHYAM SAH Son of RAMDHAR SAH
2. UPENDRA PATEL Son of Lalan Patel both Resident of Village - Nayak Tola, P.S.- Harpur, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar No.III, Adv.

For the Opposite Party/s : Mr. H.A. Khan, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 21-06-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual court proceedings.

The petitioners seek bail in a case registered for the offence punishable under Sections 302, 201, 34 of the Indian Penal Code.

Allegation against the petitioners is that they along with others killed the daughter of the informant and hung the dead body on the tree.

Learned counsel for the petitioners submits that petitioners are innocent and has been falsely implicated in this case. He submits that there is no eye witness to the said occurrence and only on last seen with the deceased, they have been made accused. He submits that after investigation police has submitted charge-sheet under Section 363, 366(A), 306, 34



of the Indian Penal Code and Section 8 of the POCSO Act. He further submits that petitioners have no criminal antecedent as stated in para-3 of the bail application and they are languishing in judicial custody since 18.06.2020.

In the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-, Raxaul, East Champaran in connection with Adapur (Harpur) P.S. Case No. 215 of 2019, subject to the conditions:

(1) that one of the bailors will be a close relative of the petitioners, who will give an affidavit giving genealogy as to who he is related with the petitioners. He 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 and every date fixed in the case and if they fail to do so on two consecutive dates their bail bonds shall be liable to be cancelled.

(III) that the petitioners will mark their attendance in the local police station in the first week of every month till



conclusion of trial, failing which the prosecution will be at liberty to move cancellation of their bail bond.

(Anjani Kumar Sharan, J)

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