

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1808 of 2021

Arising Out of PS. Case No.-168 Year-2020 Thana- BIBHUTIPUR District- Samastipur

1. Amrita Devi aged about 50 years Wife Of Sahdev Srivastava @ Sahdev Shrivastav Resident Of Village- Kalyanpur North Ward No.1, P.S.- Bibhutipur, District- Samastipur.
2. Shyma Kumar Srivastava @ Shyam Kumar Shrivastav aged about 20 years Son Of Sahdev Srivastava @ Sahdev Shrivastav Resident Of Village- Kalyanpur North Ward No.1, Police Station- Bibhutipur, Distt- Samastipur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Advocate
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 19-03-2021 Heard learned counsel for the petitioners and the State.

Petitioners seek bail in a case registered for the offence punishable under sections 302/120B of the Indian Penal Code.

As per the prosecution case, son of informant was allured away by petitioner no.1 which was seen by two boys of the village while playing and next day his dead body was recovered floating in the ditch.



Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is a case of circumstantial evidence and petitioner no.1 was last seen with the deceased, whereas there is no allegation against petitioner no.2. No substantial evidence has been collected during course of investigation against the petitioners. Petitioners have got clean antecedent as stated in paragraph 3 of the bail petition. Petitioners are in custody since 1.7.2020. Charge sheet has already been submitted.

Considering the facts and circumstances of the case and the fact that it is a case of circumstantial evidence and petitioners have got clean antecedent and charge sheet has already been submitted, 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 II Rosra Samastipur in Bibhutipur Police Station Case No. 168/2020/GR No. 599/2020 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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