

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6492 of 2021**

Arising Out of PS. Case No.-129 Year-2020 Thana- MUFFASIL District- Aurangabad

1. ANIL SINGH Son of ASHOK SINGH Resident of Village - Kapasiya, P.S.- Muffasil, (Aurangabad), Distt.- Aurangabad.(Bihar)
2. UPENDAR SINGH SON OF ASHOK SINGH Resident of Village - Kapasiya, P.S.- Muffasil, (Aurangabad), Distt.- Aurangabad.(Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

4 05-07-2021 This matter is taken up for consideration through Video Conferencing under the orders of Hon'ble the Chief Justice.

Heard both parties.

The petitioner seeks bail in Aurangabad Muffasil P.S. Case No. 129 of 2020, registered for the offence punishable under Sections 302, 201, 120(B) and 34 of the Indian Penal Code.

After getting information about the murder of a boy and a girl, the informant along with other police officials went at the place of occurrence and recovered semi burnt dead body of a



boy and a girl. During course of investigation, it has come that there was love affair between the girl and the boy. On the alleged date of occurrence, Amrita (deceased girl) came at the house of Niraj (deceased boy) and six named family members of the deceased girl came to the house of deceased boy to take her, but she denied. On denial, she was stabbed to death, thereafter all the accused persons entered into the room of deceased boy by breaking the door and stabbed him to death. Thereafter, all the accused persons took both the dead bodies for cremation, where police came and recovered the dead body.

It is submitted on behalf of the petitioners that petitioner no. 1 is cousin brother and petitioner no. 2 is uncle of the deceased boy. On bare perusal of the FIR, it appears that petitioners are not the assailants of both the deceased. Petitioners were only assisting in the disposal of dead bodies. Petitioners bear clean antecedent and they are in custody since 05.11.2020. Chargesheet has already been submitted.

Learned APP however, vehemently opposed the prayer for bail.

Considering the rival submission and materials available on record and the fact that petitioners are not the assailants, the petitioners above-named, are directed to 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 the learned Chief Judicial Magistrate, Aurangabad in connection with Muffasil P.S. Case No. 129 of 2020, subject to following conditions:-

(i) The 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 in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the court below.

(ii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Prabhat Kumar Singh, J)

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