

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 7262 of 2021

Arising Out of PS. Case No.-114 Year-2020 Thana- KHARHAGPUR District- Munger

1. DABLU TANTI Son of Late Shankar Tanti Resident of Village - Chhoti Mirjapur, Ward No.8, P.S.- Sultanganj, Distt.- Bhagalpur.
2. Yogendra Tanti Son of Late Shankar Tanti Resident of Village - Chhoti Mirjapur, Ward No.8, P.S.- Sultanganj, Distt.- Bhagalpur.
3. Mahesh Tanti Son of Late Dinnu Tanti Resident of Village - Chhoti Mirjapur, Ward No.8, P.S.- Sultanganj, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : M/s Deep Nishi, Rajesh Kr, Deep Anshuman, Advs
For the Opposite Party/s : Mr Binod Kumar, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 15-07-2021 This case has been taken up today for consideration through Video Conferencing.

Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in Haveli Kharagpur Police Station (for brevity, *PS*) Case No 114 of 2020 instituted for the offence punishable under Sections 302/34 of Indian Penal Code and Section 27 of Arms Act.

The informant's husband has been shot at while he was sleeping at the brick kiln where he was working. Intimation in this regard was received by the informant from the owner of



the brick kiln. Nearly 20 – 25 minutes later, she has been informed that her husband succumbed to the injuries. In the First Information Report, informant has stated that these petitioners have killed her husband as there was enmity between them since at least 25 years earlier, when they had murdered her *Bhainsur*.

Learned counsel for the petitioners submits that based on suspicion, the petitioners have been implicated. The allegation of murdering the *Bhainsur* of informant is apparently false as there is no criminal antecedent of the petitioners. No case has been lodged in this respect. The implication is merely based on suspicion on extraneous consideration. No one has seen the petitioners at the time of occurrence. There is no recovery from the petitioners to connect them with the alleged occurrence and under such circumstances, they are in custody since 15.05.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Munger in Haveli



Kharagpur PS Case No 114 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor 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 date and if they fails to do so on two consecutive dates, their bail bond will be liable to be cancelled.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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