

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7983 of 2021

Arising Out of PS. Case No.-330 Year-2020 Thana- DHAKA District- East Champaran

1. Vinay Das Son of Ramagya Das Resident of Village - Kushvanshi Nagar, P.S. - Dhaka, District - East Champaran.
2. Pradeep Chaudhary Son of Subh Narayan Chaudhary Resident of Village - Kushvanshi Nagar, P.S. - Dhaka, District - East Champaran.
3. Bhulan Das Son of Late Sikdev Das Resident of Village - Kushvanshi Nagar, P.S. - Dhaka, District - East Champaran.
4. Lokesh Ram Son of Raudi Ram Resident of Village - Kushvanshi Nagar, P.S. - Dhaka, District - East Champaran.
5. Vishwanath Das Son of Madho Das Resident of Village - Kushvanshi Nagar, P.S. - Dhaka, District - East Champaran.
6. Dhruplal Das Son of Suraj Das Resident of Village - Kushvanshi Nagar, P.S. - Dhaka, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Adv.
For the Opposite Party/s : Ms.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 16-08-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.



Heard learned counsel for the petitioners and learned A.P.P. for the State.

Petitioners seek bail in Dhaka P.S. Case No.330 of 2020, instituted for the offence under Sections 302, 34 and 201 of the Indian Penal Code.

It is alleged that petitioner no.1 came to the informant's house. The informant's brother accompanied him. Sometime later, the informant found his brother along with these petitioners in heated argument. When he reached near the place, the accused persons said that they were having fun and there was nothing serious. Thereafter, he returned home and went to sleep. Later, the dead body of informant's brother was recovered.

Learned counsel for the petitioners submits that having no criminal antecedent, the petitioners have been implicated on suspicion. As per F.I.R. informant has returned home being satisfied that the petitioners and his brother were having fun. Therefore, the heated exchange assigned as motive appears to be highly improbable. The bona fide of the petitioners would be evident from the fact that they themselves surrendered on 25.09.2020, and since then they are in custody.

Learned APP has opposed the prayer for bail.



Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners is allowed. Let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sikrahana at Dhaka, East Champaran in connection with Dhaka P.S. Case No.330 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 fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

Harish/-

U		T	
---	--	---	--

