

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7036 of 2021

Arising Out of PS. Case No.-173 Year-2019 Thana- NAGARNAUSA District- Nalanda

1. MUNI YADAV SON OF KHELAWAN YADAV RESIDENT OF VELLAGE- SALEMPUR, PS -NAGARNAUSA, DISTRICT- NALANDA
2. NITISH KUMAR SON OF MUNI YADAV RESIDENT OF VELLAGE- SALEMPUR, PS -NAGARNAUSA, DISTRICT- NALANDA

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pathak, Adv.

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

2 26-04-2021 The defect(s) as pointed out by the Office be removed by the learned counsel for the petitioners within two months after the High Court resumes its normal functioning.

Heard learned counsel for the parties.

Petitioners seek bail in a case registered for the offence punishable under Section 302/34 of the Indian Penal Code.

As per the prosecution case, the informant stated that on 28.12.2019 at 7:00 P.M. Sanjeet Kumar and Sunil Kumar came to his house and called his son Kamlesh to accompany them and his son did not return till late night. On the next day, dead body of informant's son was recovered near Tal.

It has been submitted on behalf of the petitioners that



petitioners are innocent and have falsely been implicated in this case. Petitioners are not named in the FIR rather name of petitioners came during course of investigation in the statement of witnesses. Petitioners are gotiya of the informant. There is dispute between the parties. It has further been submitted that there is no eye witness on the point of commission of murder. Petitioners have got clean antecedent and they are in custody since 10.09.2020.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with Nagarnausa P.S. Case No. 173 of 2019 with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the court below.

(3) 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.

(S. Kumar, J)

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