

IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7182 of 2021

Arising Out of PS. Case No.-78 Year-2020 Thana- HULASGANJ District- Jehanabad

1. RAM PRATAP SINGH SON OF PRAMESHWAR SINGH R/O VILL.- BETAULI, P.S.- HULASGANJ, DISTT.- JEHANABAD
2. gulshan kumar SON OF RAM PRATAP SINGH R/O VILL.- BETAULI, P.S.- HULASGANJ, DISTT.- JEHANABAD

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 04-08-2021 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioners in the present case are seeking regular bail in connection with Hulasganj P.S. Case No. 78 of 2020 for the offences registered under Section 302, 201, 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the prosecution story, the informant allegin therein that on 17.6.2020 his daughter aged about 12 years was missing and

after search she could not be find and on 18.6.2020 the informant came to know that near his house in a pond the dead body of his daughter was lying.

Learned counsel for the petitioners submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the daughter of the informant might have drown in water due to which she died and in the medical examination report of the daughter of the informant no sign of sexual assault has been shown. The petitioners are in custody since 22.6.2020 having no criminal antecedent.

Learned APP for the State has though opposed the prayer for bail of the petitioners.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that informant is the own brother of the petitioner No. 1, the daughter of the informant aged about 12 years might have drown in water and she died of drowning, the medical examination report of the daughter of the informant shows no sign of any sexual assault and there is neither any eye witness to this occurrence nor any other circumstantial evidence connecting the petitioners with the death of the daughter of the informant, the petitioners and some other members of the family

have been falsely implicated in this case because of alleged prior enmity, the petitioners are in custody since 22.6.2020, investigation against them is complete but the trial is not likely to take place in near future, in the circumstances this Court directs release of the petitioners above-named on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) each with two sureties of the like amount each to the satisfaction of Smt. Priyanka Kumari learned J.M. Jehanabad, in connection with Hulasganj P.S. Case No. 78 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify

the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed thier criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading ‘Judicial Orders Passed During The Pandemic Period’.