

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7819 of 2022

Arising Out of PS. Case No.-27 Year-2019 Thana- SONNAGAR RAIL P.S. District- Gaya

1. BIRENDRA SAO
2. RAVINDRA SAO
Both are Sons of Late Jagdish Sao, Resident of Village- Ankorha, P.S.-
Khaira, District- Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwari,Adv

For the Opposite Party/s : Mr.Umesh Lal Verma,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 06-07-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

Petitioners seek bail in a case registered for the offence punishable under Section 302, 120(B), 201/34 of the Indian Penal Code.

As per the prosecution case, in brief, is that on 04.06.2019, the informant submitted written report before the S.H.O., Son Nagar Rail P.S. stating therein that his son namely Suryakant Kumar was preparing of I.Sc. Living in Ambedkar



Hostel Gaya, Police Line, Gaya. Rohit Sao was friend of his son. Elder brother of Rohit Sao married at Ankorha in the house of Mahavir Sao in the year 2018. Rohit took mobile number of his son and gave this mobile number to SHALI of his brother namely Soni Kumari who used to talk with Suryakant Kumar. Soni Kumari told Suryakant Kumar to come on the occasion of marriage of her cousin sister on 18.05.2019. Suryakant Kumar went there on that day and during such period, accused persons came and bounded hands and legs of Suryakant Kumar and assaulted. Suryakant Kumar told that he belongs to Dusadh caste. Thereafter accused persons took him away and murdered. On information, the informant along with two people went to Ankorha station and found dead body of his son.

Learned counsel appearing for the petitioners submits that petitioners have clean antecedent. They have falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the FIR itself that the date of occurrence as mentioned in FIR is 18.05.2019 and the present FIR has been instituted on 04.06.2019. There is no explanation for delay in lodging the present FIR. He further submits that it appears from the FIR that there is no allegation of assault against these petitioners and during investigation nothing has



come against the petitioners and the similarly situated co-accused persons have already been granted bail by different Coordinate Benches of this Hon'ble Court vide orders at Annexure-2 series and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 23.11.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released 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 court below where the case is pending in connection with Sone Nagar Rail P.S. Case No. 27 of 2019 with the following conditions:-

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

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move



for cancellation of bail.

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 their criminal antecedents, 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.

(Rajesh Kumar Verma, J)

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