

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12687 of 2022

Arising Out of PS. Case No.-222 Year-2021 Thana- MASAUDHI District- Patna

1. ASHOK BIND S/o Jadu Bind R/o village- Doripar, P.O.- Chhata, P.S.- Masaurhi, District- Patna
2. PUNIYA DEVI W/o Ashok Bind R/o village- Doripar, P.O.- Chhata, P.S.- Masaurhi, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmeshwar Vishwakarma

For the Opposite Party/s : Ms. Rina Sinha

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 15-09-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with

Masaurhi P.S. Case No. 222 of 2021, dated 05.05.2021,

registered for the offences punishable under Sections

302/120(B)201/34 of the Indian Penal Code.

As per the prosecution case, emerging from the

F.I.R., the informant/wife of the deceased has alleged that at

10:00 P.M. on 04.05.2021, there was an altercation between

her husband and accused persons namely Punia Devi and her

son, namely, Laxman Bind and all the accused persons had



assaulted the victim/deceased and they also attempted to assault the informant-wife of the deceased. Thereafter informant-wife went to village Madhochak. On the next day i.e. on 05.05.2021, there was a news that deceased Kamlesh Bind has been killed by the accused persons and his dead body has been concealed by them. Thereafter, when the informant came back to her village along with her brother, she found that her husband is dead and blood was oozing out from the mouth of the deceased and there was a mark of strangulation and black mark of injury on the chest. Seeing such scene, she became unconscious and during this state of unconsciousness, the accused persons forcibly took the dead body of the deceased for cremation against the consent of her brother who was present there. After getting consciousness, when the informant came to the place of cremation, she found that dead body was badly burnt.

The learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case only on the basis of suspicion. There is no eye-witness to the alleged offence. Even there is no question of



altercation regrading partition because partition had already been taken place in the year 2019. He further submits that the investigation is complete and even after investigation, there is no concrete evidence connecting the accused petitioners with the alleged offence.

The petitioners have been languishing in jail since 07.06.2021.

It is also stated in paragraph no. 2 of the petition that the petitioners have never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioners have no criminal antecedent.

However, the learned APP for the State opposes the prayer of the petitioners for bail submitting that this is a case of gruesome murder by brother and other relatives of the deceased on account of property dispute. She further submits that accused persons have cremated the dead body of the deceased without the consent of the wife/informant. She further submits that when the wife of the deceased was unconscious, on account of shocking scenario, his dead body



was cremated by the accused persons intending to conceal the relevant facts, which may go against the accused persons. She also submits that there is sufficient material to show the complicity of the accused persons in the alleged offence. Finding the case true, the Police has submitted the charge-sheet. However charge has yet not been framed.

Considering the aforesaid facts and circumstances, particularly the nature of offence and material collected by the I.O. during investigation, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM, Masaurhi, Patna in connection with Masaurhi P.S. Case No. 222 of 2021, **after framing of charge** on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence



or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue



the certified copy of this order only after removal of office
objections.

(Jitendra Kumar, J)

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