

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14138 of 2022

Arising Out of PS. Case No.-226 Year-2021 Thana- MANIGACHI District- Darbhanga

1. DEVI NAND THAKUR S/o Ram Narayan Thakur Residence of Mohalla/ Village- Nemua, P.S.- Lakhnaur, District- Madhubani.
2. Soni Kumari W/o Devi Nand Thakur Residence of Mohalla/ Village- Nemua, P.S.- Lakhnaur, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kedar Jha, Adv.

For the Opposite Party/s : Mr. A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-09-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 302, 201/34 of the Indian Penal Code.

The younger brother of the informant is alleged to have been killed by the petitioners and others.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedents, are innocent and have falsely been implicated in this case only on the basis of suspicion. He further submits that the petitioners have not been named in the F.I.R. but their names have transpired in this case during investigation. He further submits that during investigation the police obtained CDR of mobile No. 7491923027 of the



deceased and found that prior to death of the deceased, his number has been contacted many times by mobile No. 6206873805 which belongs to Duni Lal Mahto. Neither the petitioners were having the possession of that mobile number nor they happened to be the owner of the mobile number in question and they have got no concern with the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 22.11.2021.

Learned A.P.P. for the State along with the learned counsel for the informant has, vehemently, opposed the prayer for bail of the petitioners and also submitted that no cogent material has surfaced during course of investigation against the petitioner except the CDR.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Manigachi P.S. Case No. 226 of 2021 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 bond shall be canceled 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 petitioner and in case at any stage, it is found that the petitioners have concealed their 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.

(Rajesh Kumar Verma, J)

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