

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14952 of 2022

Arising Out of PS. Case No.-47 Year-2021 Thana- ADHAOURA District- Kaimur (Bhabua)

1. Rampati Uraon Son Of Mangal Uraon R/O Village- Salaya Dargahi Tola, P.S.- Adhaura, District- Kaimur (Bhabua)
2. Parikha Uraon Son Of Mangal Uraon R/O Village- Salaya Dargahi Tola, P.S.- Adhaura, District- Kaimur (Bhabua)
3. Mahendra Uraon Son Of Jagarnath Uraon R/O Village- Salaya Dargahi Tola, P.S.- Adhaura, District- Kaimur (Bhabua)
4. Virendra Uraon Son Of Jagarnath Uraon R/O Village- Salaya Dargahi Tola, P.S.- Adhaura, District- Kaimur (Bhabua)
5. Surendra Uraon Son Of Shanichar Uraon R/O Village- Salaya Dargahi Tola, P.S.- Adhaura, District- Kaimur (Bhabua)
6. Sushil Uraon Son Of Late Ram Sakal Uraon R/O Village- Salaya Dargahi Tola, P.S.- Adhaura, District- Kaimur (Bhabua)
7. Pankaj Uraon Son Of Mukhdeo Uraon R/O Village- Salaya Dargahi Tola, P.S.- Adhaura, District- Kaimur (Bhabua)
8. Ajay Uraon Son Of Mukhlal Uraon R/O Village- Salaya Dargahi Tola, P.S.- Adhaura, District- Kaimur (Bhabua)
9. Dharmendra Uraon Son Of Lal Bihari Uraon R/O Village- Salaya Dargahi Tola, P.S.- Adhaura, District- Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Sunil, Advocate
For the informant	:	Mr. Amrendra Kumar, Advocate
For the State	:	Mr. Ajit Kumar, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 25-08-2022 Heard Mr. Kumar Sunil, learned counsel appearing on behalf of the petitioners, Mr. Amrendra Kumar, learned counsel for the informant and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.



The petitioners seeks regular bail in connection with Adhaura P.S. Case No. 47 of 2021, for the offence punishable under Sections 147, 148, 149, 302, 201 and 427 of the Indian Penal Code.

The prosecution case, in brief, is that the deceased was involved in black magic for the said reasons all the accused persons armed with Lathi-Danda after breaking the door of the room in which her husband was sleeping dragged him and thereafter they committed murder and buried the dead body near cremation place.

Learned counsel appearing on behalf of the petitioner submits that the petitioners are innocent and almost of them have clean antecedent. The petitioner nos. 2, 4, 6, 7 and 9 are of tender aged about 21-22 years and all are pursuing their studies and for no cogent reason or motive, they have been made accused in the present case. So far as petitioner No.8 is concerned, there is one case pending him. He further submitted that the murder took place at 8.00 P.M. in the month of September and there is no eye-witness to the said occurrence. The son of the deceased supported the prosecution version and allegation made in the F.I.R. that all the accused persons after dragging his father committed murder and thereafter they



conceal the body of the deceased. The postmortem was conducted in which multiple injuries has been found, which is not attributable to any of the accused persons named in the F.I.R. There is no independent witnesses rather all the witnesses who have been examined are hearsay witnesses. He further submitted that petitioners no. 1,3,5,6 and 7 are in custody since 20.09.2021 and petitioners no. 2, 4 and 9 are in custody since 02.10.2021 and petitioner no.8 is in custody since 25.09.2021. He further submitted that the allegation is general and omnibus in nature and no overt act has been assigned to any of the accused persons named in the F.I.R., on these grounds petitioners seek to be released on bail.

Mr. Amrendra Kumar, learned counsel for the informant submitted that all the accused persons are named in the F.I.R. the informant is the eye-witness of the occurrence. In course of investigation, witnesses have supported the allegation made in the F.I.R. that the deceased was practicing black magic which let to commission of the offence.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioners and submitted that on perusal of the testimonies of the witnesses recorded under Section 161 Cr.P.C., it appears that all the accused persons named in the



F.I.R. particularly testimony of Nagendra Uraon, who is son of the deceased, who has supported the allegation made in the F.I.R. and he has further submitted that the accused persons assaulted his father, who died on the spot and the accused persons with intention to hide the evidence buried the body under mud. There is strong case of committing murder is made out against the petitioners.

Having heard the rival submission of the parties, on perusal of the F.I.R. it appears that general and omnibus allegation has been made against all the accused persons, who committed murder of the husband of the deceased, with common intention to eliminate the deceased, who used to practice black magic. The testimony of the son of the deceased was recorded in course of investigation, but he has denied to be the eye-witness of the alleged incidence. Prima faice the petitioners have been made out a case to be released on bail in want of any specific overt act attributable to any of the accused persons named in the F.I.R.

Considering the aforementioned facts and circumstances of the case, the petitioners no. 1, 2, 3, 4, 5, 6, 7 and 9, above named, are directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand)



each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-I-cum-Special Judge, Kaimur (Bhabua) in connection with Adhaura P.S. Case No. 47 of 2021, subject to the following conditions:-

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

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers 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 petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

So far as petitioner No.8 Ajay Uraon is concerned, taking into consideration the criminal antecedent of the petitioner No.8, I am not inclined to enlarge him on bail. Accordingly, the prayer for grant of regular bail of petitioner no.8 Ajay Uraon is rejected.

All the petitioners are required to give their personal bond that in future they will not engage in any crime nor they



will threaten the family members of the informant. In case, the informant claims against any of the petitioners, the bail bond of all the petitioners mentioned in the present case shall be cancelled.

(Purnendu Singh, J)

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