

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15889 of 2022

Arising Out of PS. Case No.-92 Year-2021 Thana- LADAIYATAR District- Munger

1. Raso Soren S/o Late Makhan Soren Resident of Village- Lakarkola, P.s.- Ladaiya Tand, Distt- Munger.
2. Rupli Devi w/o- Raso Soren resident of village- lakarkola, p.s.- Ladaiya Tand, Distt- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jyoti Ranjan Jha, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 12-07-2022 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Ladaiya Tand P.S. Case No. 92 of 2021 registered for the offence under Sections 302 and 34 of Indian Penal Code.

The accused/petitioners are named in the F.I.R. and are in custody since 19.11.2021.

The allegation against the petitioners is to commit murder of brother of the informant due to property related dispute.

Learned counsel appearing on behalf of the petitioners submitted that informant is not the eye witness of the



occurrence, who is none but the sister of the deceased, died issueless. It is submitted that due to land dispute, false implication has been made against both the petitioners, who are none but the husband and wife living together with deceased. It is further submitted that no weapon, which is alleged to be used to cause fatal blow, was recovered during the course of investigation and except suspicion, nothing incriminating surfaced thereof, which may incriminate or connect the petitioners with the present occurrence. While concluding the argument, it is submitted that petitioners are persons of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer for bail, fairly conceded that informant is not the eye witness of the occurrence and submitted that dead body of the deceased was found in the house of the petitioner.

Considering the facts and circumstances as mentioned above, as informant is not the eye witness of the occurrence, nothing incriminating surfaced, during the course of investigation, against the petitioners coupled with the fact that chargesheet has already been submitted, let the petitioners,



above named, are directed to be released on bail in connection with Ladaiya Tand P.S. Case No. 92 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-I, Munger/concerned Court, subject to the following conditions:

“(i) Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioners, duly supported by the documents.

(ii) That one of the bailors shall be Raushan Soren, who is the son of petitioners and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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