

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12578 of 2022

Arising Out of PS. Case No.-476 Year-2021 Thana- AMARPUR District- Banka

SONI DEVI W/o- Madho Shah Resident of - Navtoliya (Manma), P.S. -
Amarpur, Dist. - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 16716 of 2022

Arising Out of PS. Case No.-476 Year-2021 Thana- AMARPUR District- Banka

DHANNI SAH S/o Late Tarni Sah R/o village- Navtoliya (Mainma), P.S.-
Amarpur, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 17130 of 2022

Arising Out of PS. Case No.-476 Year-2021 Thana- AMARPUR District- Banka

MADHO SAH Son of Dhanni Sah Resident of Village - Navtoliya (Mainma),
Police Station - Amarpur, District - Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 12578 of 2022)

For the Petitioner/s : Mr.Vibhakar Kumar

For the Opposite Party/s : Mr.Mukesh Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 16716 of 2022)

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr. Yogendra Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 17130 of 2022)

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr. Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR



ORAL ORDER

3 03-08-2022 Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seek bail in connection with Amarpur P.S. Case No. 476 of 2021, registered for the offences punishable under Sections 302, 120 (B), 201 and 34 of the IPC.

As per allegation, on 23.09.2021, one Dhanni Sah took the nephew of the informant. When he did not return till late night, the informant started searching him and found his body in the field of one Narayan Sah. It is further alleged that the petitioners killed the informant's nephew by assaulting him with Khanti and Knife.

The learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the petitioners have been named in the FIR only on the basis of suspicion. There is no eye-witness to the alleged occurrence. He also submits that there is also no circumstantial evidence against the petitioners. He further submits that investigation is complete and charge-sheet has been submitted.



Perused the case-diary.

From perusal of the case-diary, it appears that there is no material against the petitioners to connect them with the alleged offence.

The petitioner in Cr. Misc. No. 12578 of 2022 has been languishing in jail since 25.09.2021.

The petitioner in Cr. Misc. No. 16716 of 2022 has been languishing in jail since 15.12.2021.

The petitioner in Cr. Misc. No. 17130 of 2022 has been languishing in jail since 15.12.2021.

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

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

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstances, 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 Chief Judicial Magistrate, Banka in connection with Amarpur P.S. Case No. 476 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 him 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 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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