

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21959 of 2022

Arising Out of PS. Case No.-22 Year-2021 Thana- DHIBRA District- Aurangabad

1. DEORANI DEVI, W/o Binod Rikiyasan
2. Birju Bhuiyan, S/o Lakshman Buiyan
3. Manoj Bhuiyan S/o Lakshman Bhuiyan
All R/o village- Pakka Par, P.S.- Dhibra, District- Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Giri, Advocate
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 18-07-2022 Heard learned counsel for the parties.

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

Informant has alleged that on 20.08.2021, in the evening, his father went to graze his goats in the Gorja forest and in the early morning, petitioners along with one or two unknown persons were seen going to the forest with tangies in their hands. Father of the informant did not return in the night and hectic search was made but he could not be traced out. It was learnt in the morning that informant's father has been murdered and dead body is lying in Bangoria forest. Informant

suspected that petitioners have murdered his father by slitting his throat.

It has been submitted on behalf of the petitioners that they are innocent and have falsely been implicated in this case only on the basis of suspicion. It is further submitted that there is no any eye witnesses of the alleged occurrence and moreover, the postmortem report of the deceased does not corroborate the version of the informant. It is further contended that no any incriminating article / weapon used in the commission of the offence has been recovered from the physical possession of the petitioners. It is contended that petitioner no.1 is in custody since 22.08.2021, whereas, petitioner nos. 2 and 3 are in custody since 24.08.2021, all having clean antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bond of Rs. 20,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Dhibra P.S. Case No. 22/2021 with following conditions:-

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

(2) 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the court below.

(3) If the petitioners tamper 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 petitioners.

(S. Kumar, J)

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