

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32434 of 2021

Arising Out of PS. Case No.-417 Year-2020 Thana- HILSA District- Nalanda

1. Sanjay Prasad Son of Preman Prasad Resident of Asharhi, P.S.- Hilsa, District- Nalanda.
2. Shimpi Devi Wife of Sanjay Prasad Resident of Asharhi, P.S.- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niraj Kumar, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rehman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-02-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State in Virtual Court proceeding.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioners seek bail in connection with Hilsa P.S. Case No. 417 of 2020 registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

According to prosecution case, as per the written statement of Shila Devi alleging therein that her son namely Umesh Kumar had given rupees three lakh and fifty thousand to



accused petitioners for purchase of land but no paper was provided by the accused petitioners, saying that no money was given by the son of the informant and later she was informed that her son was murdered by the accused petitioners.

Learned counsel for the petitioners submits that petitioners have clean antecedent and have committed no offence and they have falsely been implicated in the present case. He further submits that the name of the petitioners have been transpired only on the basis of suspicion and the allegation as alleged in the F.I.R. does not support the medical evidence (postmortem report). He further submits that during the investigation nothing has come against the petitioners. The petitioners are in custody since 01.09.2020.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Hilsa, District-Nalanda in connection with Hilsa P.S. Case No. 417 of 2020, subject to 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 cancelled 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners 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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