

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36180 of 2021

Arising Out of PS. Case No.-275 Year-2020 Thana- BIDUPUR District- Vaishali

1. Upender Sah S/O Vivek Sah Viveka Nand Sah R/O Village-Kalyanpur, P.S-Bidupur, District-Vaishali (HAZIPUR).
2. Randhir Sah S/O Vivek Sah Viveka Nand Sah R/O Village-Kalyanpur, P.S-Bidupur, District-Vaishali (hazipur).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar Singh, Advocate

For the Opposite Party/s : Ms. Asha Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-02-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

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 Bidupur P.S. Case No. 275 of 2020 registered for the offences punishable under Sections 302, 201/34 of the Indian Penal Code.

According to prosecution case, the marriage of the informant's brother Anoj Kumar was solemnized with co-accused Putul Kumari in the year 2006 and out of marriage he had two issues. The informant's brother was doing business at



his matrimonial house, the informant was informed on phone by the villagers that his brother was assaulted resulting which he died. The informant believes that the petitioner and co-accused have murdered his brother and disappeared his dead-body with intention to grab his business and the property.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case only on the basis of suspicion. He further submits that the petitioners are brother-in-law of the deceased. He further submits that the deceased died due to hyper tension. He further submits that due to land dispute the name of the petitioners have come in the present case. He further submits that during investigation nothing has come against the petitioners. He further submits that similarly situated, co-accused, namely, Raja Babu and Putul Kumari have been granted anticipatory bail by a co-ordinate Bench of this Court vide orders dated 09.02.2022 and 26.10.2021 passed in Cr. Misc. No. 34501 of 2021 and Cr. Misc. No. 33017 of 2021 and the other co-accused namely Vivek Sah has been granted regular bail by a co-ordinate Bench of this Court vide order dated 08.10.2021 passed in Cr. Misc. No. 40761 of 2021. The petitioner no.1 is in custody since 17.01.2021 and petitioner



no.2 is in custody since 05.01.2021.

The learned Additional Public Prosecutor has fairly submits that there is no evidence against the petitioners in the case diary.

Considering the aforesaid facts and circumstances, 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 Chief Judicial Magistrate, Hajipur, Vaishali in connection with Bidupur P.S. Case No. 275 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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