

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36382 of 2021

Arising Out of PS. Case No.-70 Year-2018 Thana- CHANDRAMANDI District- Jamui

1. BHADO MURMUR Son of Pradhan Murmur 2. Bhola Soren Son of Late Lodka Soren 3. Lakhan Soren @ Dhenuwa Soren Son of late Shobhan Soren 4. Babulal Murmur Son of Manjhla Murmur All Resident of Village- Nontara, P.S.- Chandramandhi, and District- Jamui.	 Petitioner/s
Versus	
The State of Bihar	 Opposite Party/s

Appearance :

For the Petitioner/s	: Mr.Akash Raj, Adv
For the Opposite Party/s	: Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 24-02-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Chandramandih P.S.Case No. 70 of 2018 registered for the offence under Sections 302 and 34 of the Indian Penal Code.

As per written application of informant, the prosecution case, in short, is that on 30.09.2018 at about 9.00 A.M. the son of the informant namely Rahul Kumar had gone to graze cattle in the forest, who did not return back to his house, then informant alongwith others started searching his son and on 01.10.2018 dead body of his son was found towards north direction of his house under Chilmilia tree. It has been further alleged that dead body of son of informant was brought to his



house with the help of others, and thereafter on 02.10.2018, informant went to the P.S. with dead body of his son. It has been further alleged that accused persons including the petitioners had threatened for dire consequences due to land dispute and informant suspected that accused petitioners have committed the murder of his son.

Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case only on the basis of suspicion. He further submits that the informant in his re-statement in para-6 of the case diary altogether stated a new story. He further submits that in paragraph-49 of the case diary the S.D.P.O. found the case is to be a mistake of fact. He further submits that there is no eye witness of the alleged occurrence and the police, after investigation, submitted chargesheet against the petitioners. The petitioners are in custody since 18.03.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, 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



learned Judicial Magistrate-1st Class, Jamui in connection with Chandramandih P.S.Case No. 70 of 2018 with 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 bonds 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.

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 antecedents, 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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