

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26965 of 2022

Arising Out of PS. Case No.-146 Year-2017 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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RAMDEV BIND Son of Ramraj Bind, Resident of Village - Orgaon, P.S.-
Bhagwanpur, Distt.- Kaimur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 28950 of 2022

Arising Out of PS. Case No.-146 Year-2017 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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Manoj Bind Son Of Chhotakan Bind, Resident Of Village- Orgawn, P.S.-
Bhagwanpur , District - Kaimur At Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 26965 of 2022)

For the Petitioner/s : Mr. Ravi Shankar Sahay, Advocate
Mr.Chandra Mohan Jha, Advocate

For the informant : Mr. Rajesh Pathak, Advocate

For the Opposite Party/s : Ms.Suman Kumari Singh, APP.

(In CRIMINAL MISCELLANEOUS No. 28950 of 2022)

For the Petitioner/s : Mr.Tribhuwan Narayan, Advocate

For the informant : Mr. Rajesh Pathak, Advocate

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-09-2022 This case and Cr. Misc. Case No. 28950 of 2022, both

arise out of Bhagwanpur P.S. Case No. 146 of 2017. Therefore,

both cases have been heard together and being disposed of by

this common order.

Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State as well as learned counsel for the informant.

The petitioners seek regular bail in connection with Bhagwanpur P.S. Case No. 146 of 2017 lodged under Section 302/34 of the Indian Penal Code.

As per the prosecution case, the F.I.R. has been filed against 5 known named persons with allegation that they killed the son of the informant by strangulating his neck and assaulted by knife.

Learned counsel for the petitioner submits that there is no eye-witness in the F.I.R.. Learned counsel for the petitioner further submits that after investigation police has filed final form (the offence found untrue). It has been further submitted that against the said order criminal revision was filed, thereafter matter was remanded back and thereafter only cognizance was taken in this case.

Learned counsel for the petitioner of Cr. Misc. No. 28950 of 2022 submits that the argument made by the counsel for the petitioner of Cr. Mic. No.26965 of 2022 is identical for him. They further submits that petitioners are in custody since

27.03.2022 and charge sheet has already been filed having no criminal antecedent. Learned counsel for both the petitioners further submits that two accused persons namely, Bohla Bind and Santoh Bind have already been granted anticipatory bail by the Co-ordinate Bench of this Court vide order dated 12.09.2022 passed in Cr. Misc. No. 12029 of 2022.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that the accused persons are influentially political persons and they have capacity to manage the police and on their instance, the investigation has been managed. But on oppose at revisional level, the matter was remanded back and cognizance has been taken against the accused persons.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V, Bhabua in connection with Bhaghwanpur P.S. Case No. 146 of 2017, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with

other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of their bail bonds.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that they shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of their present bail bonds.

With this observation, the bail applications stand allowed.

(Dr. Anshuman, J.)

ravishankar/-

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