

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18710 of 2021**

Arising Out of PS. Case No.-392 Year-2020 Thana- ATRI District- Gaya

1. SHEO SHANKAR KUMAR SON OF BABULAL MANJHI @ BABULAL MANDAL R/O VILLAGE- KHARAUNA, MANJHI TOLA, P.S.- ATRI, DISTRICT- GAYA.
2. BABULAL MANJHI @ BABULAL MANDAL SON OF LATE PUNA MANJHI R/O VILLAGE- KHARAUNA, MANJHI TOLA, P.S.- ATRI, DISTRICT- GAYA.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 39044 of 2021

Arising Out of PS. Case No.-392 Year-2020 Thana- ATRI District- Gaya

GAURI SHANKAR MANJHI @ GAURI SHANKAR KUMAR Son of Babulal Manjhi @ Babulal Mandal Resident of Village - Kharauna, Manjhi Tola, Police station - Atri, District - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 18710 of 2021)

For the Petitioner/s : Mr.Manish Kumar No. 2

Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.Ashok Kumar

(In CRIMINAL MISCELLANEOUS No. 39044 of 2021)

For the Petitioner/s : Mr.Manish Kumar No. 2

Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mrs.Pronoti Singh

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 15-02-2022 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.

Both the petitions have arisen out of Atri P.S. Case No. 392 of 2020 registered for the offences punishable under Sections 302/34 of the IPC.

The matter relates to murder of informant's father and suspicion has been raised in the FIR that petitioners along with other accused killed his father as on 27.10.2020 petitioners along with other accused had threatened and assaulted his father.

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 only on the basis of suspicion. He further submits that there is no eye witness of the alleged occurrence. He further submits that during investigation several witnesses have been examined by the I.O. but no one has claimed to be eye witness of the alleged occurrence. He further submits that police after investigation submitted charge sheet against the petitioners and petitioners are in custody since 25.10.2020.

The learned Additional Public Prosecutor on the basis of material on record as well as case diary fairly submits that



petitioners have been implicated in the present case only on the basis of suspicion.

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 Additional Chief Judicial Magistrate-XIII cum Sub Judge-XIV, Gaya in connection with Atri P.S. Case No. 392 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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