

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39732 of 2021

Arising Out of PS. Case No.-388 Year-2020 Thana- TRIVENIGANJ District- Supaul

1. SHIV NARAYAN PANDIT S/O LATE MUNGALAL PANDIT R/o village- Kasaha Ward No. 03, P.S.- Tribeniganj, District- Supaul
2. Sanjay Pandit S/o Shiv Narayan Pandit R/o village- Kasaha Ward No. 03, P.S.- Tribeniganj, District- Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate
For the Opposite Party/s : Mrs. Sucheta Yadav, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 10-03-2022 Heard learned counsel appearing on behalf of the petitioners and learned APP for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

Petitioners, who are in custody since 06.03.2021, seek regular bail in connection with Tribeniganj P.S. Case No. 388 of 2020 registered for offences punishable under Sections 302 and 120B/34 of the Indian Penal Code.

The allegation is of murder of 12 years old son of the informant. His body was found about one kilometer away from his house near Markuria Canal. Eight accused persons have been named in the F.I.R. including the present petitioners who



are father and son.

Learned counsel appearing on behalf of the petitioners submits that there is no eye witness and on this very ground the entire allegation made against the above named two petitioners fails. The allegation has been made on mere suspicion that some time in the year 2003 there was enmity between the parties in which the grandfather of the petitioner had deposed against the informant. Petitioners are in custody since 06.03.2021 and have no criminal antecedent. He further submits that from the evidence collected in course of investigation, no material has been collected to establish the involvement of these petitioners. The minuscule evidence which has come in paragraph nos. 6, 21, 22, 24, 30 and 31 of the case diary cannot be taken into consideration in absence of any eye-witness.

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

Having heard the rival submissions of the parties it appears that the allegation made in the F.I.R. is based on mere suspicion. Charge-sheet has been submitted. Petitioners have been implicated in this case merely on suspicion, the petitioners, above named, are directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five



Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Supaul in connection with Tribeniganj P.S. Case No. 388 of 2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(iv) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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