

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42584 of 2021

Arising Out of PS. Case No.-57 Year-2020 Thana- PALI District- Jehanabad

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1. BRIJMANIA DEVI W/O KAMESHWAR BIND R/O VILLAGE-TETARIA, P.S-PALI, DISTRICT-JEHANABAD.
 2. KAMESHWAR BIND S/O LATE RAMSEWAK BIND R/O VILLAGE-TETARIA, P.S-PALI, DISTRICT-JEHANABAD.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-01-2022 Heard the parties through video conferencing.

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 15.02.2021, seek regular bail in connection with Pali P.S. Case No. 57 of 2020 registered for offences punishable under Sections 302 and 120(B) of the Indian Penal Code.

Prosecution case, in brief, is that the dead body of the son of the informant was found in one unbuilt house. The son of the informant was seen playing with Uday Kumar @ Kaaru son



of late Rinku Bind and on suspicion, the name of the petitioner has been taken that there is every likelihood that due to old dispute of passage of the house with the family of Uday Kumar @ Karu Paswan, the accused persons killed the son of the informant.

Learned counsel appearing on behalf of the petitioners submits that there is no direct allegation against the petitioners and merely on suspicion, the petitioners have been roped in the present case. There is long standing dispute between the parties relating to passage and because of personal grudge and differences between the parties, the petitioners have falsely been implicated in the present case. The petitioners have clean antecedent and there is no likelihood of trial being concluded in near future. Charge-sheet has already been submitted against the accused persons.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioners and he submits that it is admitted that there is old dispute relating to passage and there is every likelihood of these petitioners committing the murder of the child of the informant.

Considering the rival submissions of the parties as well as the allegation made in the F.I.R., the petitioners have



been named in the present case merely on suspicion, charge-sheet has already been submitted, there is no allegation of tampering the evidence or influencing the witnesses and trial is also not likely to be concluded soon due to COVID-19, 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 Sub Judge-I, Jehanabad in connection with Pali P.S. Case No. 57 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.

(Purnendu Singh, J)

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