

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43272 of 2021

Arising Out of PS. Case No.-46 Year-2021 Thana- BAUNSI District- Banka

1. BIHARI MURMU Son of Mangal Murmu Resident of Village - Sahupokhar (Chhakua Tola), Police Station - Bounsi, District - Banka.
2. MANOJ TUDDU Son of Budhu Tuddu Resident of Village- Sahupokhar (Chhakua Tola), Police Station - Bounsi, District - Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Adv.
For the Opposite Party/s : Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-02-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Bounsi P.S. Case No. 46 of 2021 registered for the offence under Sections 302/34 of the Indian Penal Code.

The aunt of the informant is said to have been killed by slitting her throat with sharp cutting weapon by the unknown persons.

Learned counsel appearing for the petitioners



submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. In fact, the petitioners have not been named in the F.I.R. but they have been made accused in this case on the basis of suspicion only. Neither any specific allegation of assault in any manner is attributed to the petitioners nor anyone has seen the alleged occurrence. The police after investigation has submitted charge sheet in this case against the petitioners on 29.05.2021 and the petitioners are rotting in judicial custody since 09.03.2021.

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, above named, petitioners 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 Chief Judicial Magistrate/ Successor Court, Banka in connection with Bounsi P.S. Case No. 46 of 2021 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 bond shall be canceled 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 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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