

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46110 of 2021

Arising Out of PS. Case No.-7 Year-2020 Thana- KOTHI District- Gaya

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1. Manoj Bharti @ Manoj Bhuiyan (aged about 36 years, Gender-Male), Son of Rampati Bhuiyan @ Rampati Bharti Resident of Village - Ganeshpur, P.S. - Kothi, District - Gaya.
 2. Sunil Bhuiyan @ Sunil Bharti (aged about 28 years, Gender-Male), Son of Ramdev Bhuiyan @ Ramdev Bharti Resident of Village - Ganeshpur, P.S. - Kothi, District - Gaya.
 3. Satyendra Bhuiyan @ Sateyndra Kumar (aged about 21 years, Gender-Male), Son of Ramdev Bhuiyan @ Ramdev Bharti Resident of Village - Ganeshpur, P.S. - Kothi, District - Gaya.
 4. Anil Bhuiyan @ Anil Kumar (aged about 24 years, Gender-Male), Son of Ramdev Bhuiyan @ Ramdev Bharti Resident of Village - Ganeshpur, P.S. - Kothi, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh, Adv.
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-02-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail in connection with Kothi P.S.
Case No. 07 of 2020 registered for the offences punishable
under Sections 302/34 of the Indian Penal Code.

The prosecution case, in short, is that on 11.02.2020 at
about 5 PM, the father of the Informant had gone out of the
house but, did not return till late night, whereafter, the Informant
started searching his father unsuccessfully. On 13.02.2020, he



received an information that a dead body was lying on the field. Thereafter, the Informant reached at the said place and found his father dead having a cut mark in his neck.

Learned counsel for the petitioners submits that petitioners have clean antecedent and have committed no offence and have falsely been implicated in the present case only on the basis of suspicion. He further submits that during investigation, nothing incriminating has come against the petitioners. Learned counsel for the petitioners submits that the police after investigation has submitted charge-sheet against the petitioners and the petitioner no.1 is in judicial custody since 15.01.2021 whereas the petitioner nos. 2, 3 & 4 are in custody since 15.02.2021.

Learned Additional Public Prosecutor has vehemently opposed the prayer for bail but fairly submits that petitioners carry no criminal antecedent.

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 Judicial Magistrate, 1st Class, Shereghati (Gaya) in connection with Kothi P.S. Case No. 07 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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