

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42686 of 2022

Arising Out of PS. Case No.-76 Year-2022 Thana- GHORASAHAN District- East
Champaran

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1. Sahid Mian @ Sahid Son of Late Kapil Mian Resident of village - Lain Baswariya, P.S.- Ghorasahan, District - East Champaran
 2. Sakila Khatoon Wife of Sahid Mian @ Sahid Resident of village - Lain Baswariya, P.S.- Ghorasahan, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.Iii, Advocate
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-12-2022 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

The petitioners are apprehending their arrest in a
case registered for the offences punishable under Sections 302,
34, 201 and 120(B) of the Indian Penal Code.

According to the prosecution case, all the accused
persons including the petitioners have committed murder of the
son of the informant and hanged the dead-body on tree.

Learned counsel for the petitioners submits that
the petitioners have clean antecedent and they have falsely been



implicated in the present case. He further submits that the petitioners have falsely implicated in the present case only on the basis of suspicion. He further submits that it appears from the F.I.R. also that there is general and omnibus allegation against all the accused persons including the petitioners and there is no specific allegation of any assault or overt act against the petitioners. He further submits that during investigation except the suspicion, no other cogent material has come against the petitioners.

The learned counsel for the State has vehemently opposed the prayer for bail of the petitioners but fairly submits that except the suspicion, no other cogent material has come against the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Court below where the case is pending in connection with Ghora sahan P.S. Case No. 76 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure and with other 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 tampers 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 his 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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