

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54432 of 2021

Arising Out of PS. Case No.-340 Year-2020 Thana- HARNAUT District- Nalanda

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1. Chhote Singh S/O Late Damodar Singh.
 2. Khushboo Devi W/O Chhote Singh
Both Are R/O Village-Tira, P.S-Harnaut (CHERO), District-Nalanda At Biharsharif.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Niranjana Parihar, Adv.

For the Opposite Party/s : Mohammad Sufiyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-04-2022 Heard counsel for the parties.

The petitioners herein are husband and wife and have been made accuseds in connection with Harnaut (Chero) P.S. Case No.340 of 2020 under Sections 302, 201/34 of the Indian Penal Code.

As per the prosecution story, the nephew of the informant was taken away by accused Sadhu Singh and Arjun Singh and when he failed to return, search was made and ultimately after couple of days the dead body was found in a well. Allegation against petitioner no.2 as well as wife of Bade Singh is that earlier they are threatened the deceased of dire consequences and later the incident happened.

Learned counsel for the petitioners submit that they



have been implicated in the case wrongly on the basis of unsubstantiated suspicion and the confessional statement before the police is inadmissible. He lastly submits that they do not have any criminal antecedent and are in jail since July 2020. The counsel for the petitioner has annexed a bail order from a co-ordinate bench of this Court vide Cr. Misc. No.14009 of 2021 dated 05.08.2021 by which accused Bade Singh was granted bail.

Learned APP for the State submits that all the accused persons entered into conspiracy and that finally resulted into the killing of the informant's nephew and as such they do not deserve bail.

Taking into account the aforesaid facts that charge sheet has already been submitted in the matter and the petitioners are in jail since 17.07.2020 (petitioner no.1) and 19.07.2020 (petitioner no.2) as incorporated in the order sheet of the learned court below, let the petitioners be released on bail on furnishing bail bond of Rs.25,000/-(twenty five thousand) with two sureties of the like amount each in connection with Harnaut (Chero) P.S. Case No.340 of 2020 to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharsharif, subject to following conditions:



(i) the Trial court shall satisfy itself on the criminal antecedents of both the petitioners prior to their release on bail;

(ii) they shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(iii) they shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial court itself.

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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