

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56915 of 2021

Arising Out of PS. Case No.-53 Year-2020 Thana- JHAJHA District- Jamui

1. Sanjay Naiya, Son of Late Tilak Naiya, Resident of Village- Parsakura, P.S.- Jhajha, Distt.- Jamui.
2. Karu Naiya, Son of Bodhi Naiya, Resident of Village- Parsakura, P.S.- Jhajha, Distt.- Jamui.
3. Anugarah Naiya, Son of Late Kali Naiya, Resident of Village- Parsakura, P.S.- Jhajha, Distt.- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Prasad, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 05-05-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Jhajha P.S. Case No. 53 of 2020 for the offences punishable under Sections 364 of the Indian Penal Code. Later on, Sections 302, 201/34 of the Indian Penal Code have been added.

As per prosecution case, it is alleged that on



17.02.2020 her husband went to village Parsakura with Sanjay Naiya and Binod Naiya, but he did not return. On query made by the informant, the accused persons told her that her husband stayed at the house of Karu Naiya and Anugarah Naiya of village Parsakura. The informant suspected the hands of all these persons in disappearance of her husband.

It is submitted on behalf of the learned counsel for the petitioners that though the occurrence of disappearance of the husband of the informant has taken place on 17.02.2020 for which F.I.R. has been lodged on 22.02.2020 without giving any plausible explanation. It is further submitted that except the suspicion, there is no other materials which suggest the involvement of these petitioners in the present case. It is next submitted that the petitioners were lastly seen with the deceased on 17.02.2020 and his dead body has been recovered from Kubari forest, hidden in a ditch of dirty water on 23.02.2022. It is next submitted that there is no motive nor any material against these petitioners and they are in custody since 27.01.2021, apart from the fact that investigation has already been completed and the charge-sheet has been submitted against these petitioners.

On the other hand, learned APP for the State



submitted that petitioners were lastly seen with the deceased and thereafter the dead body of the deceased has been recovered on 23.02.2020.

Having considered the submission made on behalf of the parties and taking into consideration the fact that except the suspicion there is no cogent material which suggest the complicity of these petitioners, apart from the fact that the petitioners were lastly seen with the deceased on 17.02.2020 and the dead body has been recovered after six days and in between the said period nobody has seen the petitioners with the deceased. Further all these petitioners have no criminal antecedent and are in custody since 27.01.2021 and moreover charge-sheet has already been submitted in this case, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Jhajha P.S. Case No. 53 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial. (ii) They will remain present on each and every date of



trial till disposal of the case. (iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial. (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be automatically cancelled.

(Harish Kumar, J)

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