

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56239 of 2021

Arising Out of PS. Case No.-162 Year-2021 Thana- LAXMIPUR District- Jamui

1. Mahendra Murmu @ Hopen Murmu S/O Late Nayaka Murmu R/o village- Darhi, P.S.- Lakshmipur, District- Jamui
2. Jhumari Murmu W/o Mahendra Murmu R/o village- Darhi, P.S.- Lakshmipur, District- Jamui

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Prakash Mahto, Advocate
For the State	:	Mr. Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-04-2022 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 learned APP for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

As per prosecution case, in brief, it is alleged by the informant Jamuni Devi that on 04.06.2021 Shanti Devi daughter of Opan Murmu plucked the jack fruit from the tree standing over land of informant, for which informant's son Tako Marandi went to the house of Shanti Devi for complain, then the accused



persons tied her son with tree, including the petitioners started assaulting him by means of *lathi and danda*, due to which son of the informant died at the spot. It has been further alleged that when informant got information about death of his son, then the informant informed the police and thereafter police came and send the dead body of his son for *post mortem*.

Learned counsel for the petitioners submit that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that in fact petitioner no. 1 is aged more than 73 years of old and the petitioner no. 2 is the wife of the petitioner who is more than 63 years of old age. He further submits that there is general and omnibus allegation against all the accused persons and there is no specific allegation of assault or overt act against the petitioners and police after investigation submitted chargesheet against the petitioners and the petitioners are in custody since 06.07.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with



Laxmipur P.S. Case No. 162 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 antecedents, the court below shall take step for cancellation of bail bonds 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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