

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50818 of 2021

Arising Out of PS. Case No.-94 Year-2020 Thana- KHIRHAR District- Madhubani

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SONE THAKUR S/o Late Lakhan Thakur R/o village and P.S.- Khirhar,
District- Madhubani Petitioner/s

Versus

The State of Bihar Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 56970 of 2021

Arising Out of PS. Case No.-94 Year-2020 Thana- KHIRHAR District- Madhubani

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1. Deepak Kumar Mishra @ Deepak Mishra
2. Sujit Mishra @ Suit Kumar Mishra
Both Sons of Dukhlal Mishra R/O Village-Khirhar Mishraji Tola, P.S-
Khirhar, District-Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 50818 of 2021)

For the Petitioner/s : Mr.Murari Narain Chaudhary, Adv

For the Opposite Party/s : Mr.A.P.P.

(In CRIMINAL MISCELLANEOUS No. 56970 of 2021)

For the Petitioner/s : Ms.Vaishnavi Singh, Adv

For the Opposite Party/s : Mr.Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-04-2022 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 in both the applications.

Petitioners seek bail in a case registered for the offences punishable under Sections 302,201/34 of the Indian Penal Code.



The F.I.R. was lodged on recovery of dead body of the husband of the informant from under the water.

Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. He further submits that it appears from the FIR that there is general and omnibus allegation against all the accused persons. He further submits that, during investigation, nothing has come against the petitioners and the police, after investigation, submitted chargesheet against the petitioners. He further submits that the similarly situated co-accused, namely, Ajeet Rai has been granted bail vide order dated 05.10.2021 in Cr. Misc. No. 27546 of 2021 by a Coordinate Bench of this Hon'ble Court. Petitioner-Sone Thakur is in custody since 16.01.2021 and petitioners-Deepak Kumar Mishra @ Deepak Mishra and Sujit Mishra @ Sujit Kumar Mishra are in custody since 12.04.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

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/- (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 Khirhar Police Station Case No.94 of 2020, 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 witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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 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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