

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60953 of 2021

Arising Out of PS. Case No.-219 Year-2021 Thana- BARHARIA District- Siwan

1. Santu Ram @ Santu Kumar S/O Munirika Ram @ Mundrika Ram R/O Village-Bhamopali, P.S- Barharia, District-Siwan.
2. Pinku Ram S/O Osihar Ram R/O Village-Bhamopali, P.S- Barharia, District-Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 60985 of 2021

Arising Out of PS. Case No.-219 Year-2021 Thana- BARHARIA District- Siwan

MANIRIKA RAM @ MUNDRIKA RAM @ MANIRKA RAM Son of Late
Saryug Ram Resident of Village - Bhamopali, P.s.- Barharia, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 60953 of 2021)

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Jagdhar Prasad

(In CRIMINAL MISCELLANEOUS No. 60985 of 2021)

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 01-08-2022 Heard learned counsel for the petitioners and

learned APP for the State.

Let the defect (s), as pointed out by the office, be

removed within a period of four weeks from the date of

resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Barharia P.S. Case No. 219 of 2021 registered for the alleged offences under Sections 302, 201 and 120(B) of the Indian Penal Code.

As per prosecution case, the son of the informant went missing and his dead body was found. The informant named the petitioners along with one co-accused as the person who murdered her son under conspiracy in the back ground of some earlier dispute.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case. It is clear from the FIR that there is no eye witness to the alleged occurrence. The petitioners were not even last seen together with the deceased. The whole prosecution case is based on suspicion of informant. There is no substantive piece of evidence against the petitioners. On the body of deceased, no external or internal injuries have been found and no cause of death has been given, though the viscera has been preserved. Thus there is no evidence against the petitioners that they assaulted or killed the son of the informant. Charge sheet has been submitted in this case and the petitioners are in custody since 28.07.2021.

Learned APP opposes the prayer for bail of the petitioner submitting that the informant named the petitioners who murdered her son.

Perused the records.

Having regard to the facts and circumstances and considering the submission made on behalf of the parties and further considering the fact that there is hardly any material on record to connect the petitioners with the murder of the son of the informant and further considering the submission of charge sheet and period of custody of the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Siwan in connection with Barharia P.S. Case No. 219 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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