

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53619 of 2022

Arising Out of PS. Case No.-4 Year-2020 Thana- KUNDWACHAINPUR District- East
Champaran

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1. Surendra Kapad Son of Baidhnath Kapad Resident of Village - Mahgua, P.S.- Kundwa chainpur, Distt.- East Champaran.
 2. Ramkalesh Kumar @ Ram Akhilesh Kumar Son of Ravishankar Kapad @ Ravi Shankar Prasad Yadav Resident of Village - Mahgua, P.S.- Kundwa Chainpur, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv
For the Opposite Party/s : Mr. Arun Kumar Singh, Adv

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-12-2022 Today being Friday, matters are being taken up through virtual mode, as per current procedure for hearing.

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

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in connection with Kundwachainpur P.S. Case No. 04 of 2020 registered under Sections 302, 328/34 of the Indian Penal Code.

As per allegation in the FIR, lodged by the informant who is grand father of the deceased, his 17 year old granddaughter



was in a love affair with one Ashok Kumar who along with the other five named accused persons took her away and poisoned her to death. It is further stated that in course of search the next morning, the accused persons were found making an attempt to burn the body and on seeing the informant and others, they ran away.

It is submitted by learned counsel for the petitioners that the petitioner no. 1 happens to be uncle of the deceased. The petitioner no. 2 is cousin of deceased. It is further submitted that the petitioners were falsely implicated in course of investigation by the accused persons together with the police, later on, by alleging that it was the petitioners who were making an attempt to burn the body of the deceased. It is further submitted that there are no eye-witness to the occurrence of the petitioners having allegedly committed the murder. Petitioners have been falsely implicated in the case. The petitioners are in custody since 12.07.2022 and have no criminal antecedent. It is submitted that co-accused persons have been allowed bail in Cr. Misc. No. 19700 of 2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the fact that even as per prosecution case there is no eye-witness to the



killing, the period of custody, investigation being complete, and co-accused persons having already been allowed bail in Cr. Misc. No. 19700 of 2020, this Court is inclined to allow the petitioners' prayer for bail.

Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-5, Sikarahnna at Dhaka, district- East Champaran in Kundwachainpur P.S. Case No. 04 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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