

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54384 of 2022

Arising Out of PS. Case No.-60 Year-2020 Thana- MORKAHI District- Khagaria

1. Nandan Kumar, Son of Bijal Sada, Resident of Village - Amausi, P.s.- Morkahi, Distt.- Khagaria.
2. Dharambir Kumar, Son of Sikandar Sada, Resident of Village - Amausi, P.s.- Morkahi, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-11-2022 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.

In the present case, the petitioners seek bail in
connection with Morkahi P.S. Case No. 60 of 2020 registered
for the alleged offences under Sections 302 and 34 of the Indian
Penal Code.

As per prosecution case, the son of the informant went
missing on 13.06.2020 and his dead body was recovered on
14.06.2020. The informant named the petitioners and nine other
co-accused persons for being involved in the murder of his son.



The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Petitioners are cousin and they have no role in the alleged occurrence. The informant is not an eye-witness and from the FIR it also appears that none has seen the commission of the alleged murder of the son of the informant. The informant has not made specific allegation against the petitioners, rather he has made allegation against all the accused persons for killing of his son. Moreover, there is only suspicion of the informant that the accused persons have killed his son. Learned counsel further submits that even the witnesses examined during investigation by the police have also named the petitioners on the basis of their suspicion. So it is apparent that no one has seen the alleged occurrence. Similarly placed five co-accused persons have been granted regular bail by a Co-ordinate Bench of this Court vide order dated 23.12.2020 passed in Cr. Misc. No. 34182 of 2020. Two of the co-accused persons have also granted anticipatory bail by another Co-ordinate Bench of this Court vide order dated 25.10.2021 passed in Cr. Misc. No. 247 of 2021. The case of the petitioner is on similar footing. Charge-sheet has been submitted in this case and the petitioners are in custody since 25.05.2022. The petitioners are having clean antecedent.



Learned APP opposes the prayer for bail submitting that there is specific allegation against the petitioners for assaulting the son of the informant whose dead body was subsequently recovered and it was found he died due to asphyxia due to strangulation resulting in cardio-respiratory failure.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the grant of anticipatory bail/regular bail to other similarly situated co-accused persons and further considering the clean antecedent of the petitioner along with submission of charge-sheet against them, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Khagaria, in connection with Morkahi P.S. Case No. 60 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.



(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 bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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