

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 65858 of 2021

Arising Out of PS. Case No.-139 Year-2021 Thana- BARH District- Patna

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AJAY KUMAR @ AJAY RAI @ JHOLA RAI Son of Late Swarath Rai
Resident of Village- Malahi West, P.S.- Barh, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 69955 of 2021

Arising Out of PS. Case No.-139 Year-2021 Thana- BARH District- Patna

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SAJIVAN ROY @ SANJIVAN ROY Son of Late Bhunna Rai Resident of
village - Jalgovind (Malahi West), P.S.- Barh, District - Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 65858 of 2021)

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Nand Kishore Prasad

(In CRIMINAL MISCELLANEOUS No. 69955 of 2021)

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-05-2022 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

Both the cases are being heard together as both of
them are arisen out of same police station case i.e. Barh P.S. Case
No. 139 of 2021 and are being disposed of by this common order.

The petitioners seek bail in a case registered for the
offence under Sections 302 and 201 of the Indian Penal Code.



The brother of the informant is said to have been killed and his dead body was found from the Jalgovind Tal at four lane.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the petitioners have not been named in the F.I.R. but the names of the petitioners transpired in this case on the basis of information given by the spy. He further submits that there is no eye witness to the alleged occurrence. He further submits that no cogent material has come during course of investigation against the petitioners. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioners are rotting in judicial custody since 13.04.2021.

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

Considering the facts and circumstances of the case, let the, above named, petitioners 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 Barh P.S. Case No. 139 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 bond shall be canceled 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 antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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