

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66872 of 2021**

Arising Out of PS. Case No.-81 Year-2021 Thana- DINARA District- Rohtas

=====

Anil Kushwaha @ Anil Kumar Singh, Son of Late Brijbihari Singh Resident of Village- Arang, P.S.- Dinara (Bhanas), District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 1616 of 2022

Arising Out of PS. Case No.-81 Year-2021 Thana- DINARA District- Rohtas

=====

Ajay Kumar Singh @ Ajay Kushwaha, Son of Ram Murat Singh Resident of Village- Khanethi, P.S.- Karagahar, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 66872 of 2021)

For the Petitioner/s : Mr. Shankar Kumar, Advocate

For the Informant : Mrs. Punam kumari Singh, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 1616 of 2022)

For the Petitioner/s : Mr. Sada Nand Roy, Advocate

For the Informant : Mrs. Punam kumari Singh, Advocate

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

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 12-09-2022 Since both the applications arise out of from Dinara (Bhanas) P.S. Case No. 81 of 2021, as such, they have been taken up together and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned counsel for the informant as well as 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 seeks bail in connection with Dinara (Bhanas) P.S. Case No. 81 of 2021 corresponding to S.T.No. 238 of 2021 registered for the alleged offences under Sections 147, 148, 149, 429, 302 and 201 of the Indian Penal Code.

As per the prosecution case, the petitioners and other co-accused persons murdered the nephew of the informant and concealed his dead body.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case and the allegations are false and concocted. There is general, vague and omnibus allegations against the petitioners. There is no eye witness to the alleged occurrence. Nothing incriminating has been recovered from the possession of this petitioners or at his instance. Even during investigation, nothing came up against the petitioners and they have been made accused in this case merely on suspicion. Other similarly placed co-accused persons have been granted bail vide order dated 12.04.2022 passed in Cr. Misc. No. 58591 of 2021. The petitioners have got no criminal history. The petitioner Anil



Kushwaha @ Anil Kumar Singh is in custody since 15.05.2021 and petitioner Ajay Kumar Singh @ Ajay Kushwaha is in custody since 12.08.2021 and charge-sheet has been submitted.

Learned APP as well as learned counsel for the informant vehemently opposes the prayer for bail submitting that the petitioners and other co-accused persons threatened the informant that he would meet the same fate as his nephew Tunna Singh. This fact has been mentioned in the FIR itself. Learned counsel further submits that trial is at the fag end as only one witness remained to be examined.

Perused the records.

Having regard to the submissions made on behalf of the parties and submission made on behalf of the parties and considering the lack of substantive material to connect the petitioners with the alleged offence of murder and also considering the period of custody as well as submission of charge sheet, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XXII, Rohtas at Sasaram in connection with Dinara (Bhanas) P.S. Case No. 81 of 2021 corresponding to S.T.No. 238 of 2021 subject to the



conditions mentioned in Section 437(3) of the Cr.P.C. and 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)

Rajnish/-

U		T	
---	--	---	--

