

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1364 of 2022

Arising Out of PS. Case No.-236 Year-2019 Thana- RAJAPAKAR District- Vaishali

1. RAJU SINGH @ FEKAN SINGH Son of Abdhesh Singh, Resident of Village - Gaushpur Briyarpur, kP.S.- Jajapakar, District - Vaishali.
2. JWALA SINGH Son of Sivnath Singh, Resident of Village - Gaushpur Briyarpur, kP.S.- Jajapakar, District - Vaishali.
3. CHANDAN SINGH Son of Nand Kishore Singh, Resident of Village - Gaushpur Briyarpur, kP.S.- Jajapakar, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 17-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners submit that there
are in total 3 persons in the petition but he has been instructed to
press this present petition only for petitioner no.1 and 2, for
petitioner no.3 he is not interested to press due to the reason that
petitioner no.3 was declared juvenile. Therefore, present
application is being pressed only for petitioner no.1 and 2.

The petitioners seek regular bail in connection with

Rajapakar P.S. Case No. 236 of 2019 lodged under Sections 302 and 120B of the Indian Penal Code.

As per prosecution, the allegation of murder of informant's maternal uncle is there, due to the reason that on 17.10.2018 the dispute took place between the children due to which a criminal case lodged. Thereafter, the accused persons of the said case were putting pressure on the maternal uncle of the informant to withdraw the said case. The informant has alleged that he has seen and identify the accused persons in the light of his motorcycle at a nearby place of occurrence where the maternal uncle of the informant was found in injured state. The informant immediately rushed to hospital but he died at hospital Hazipur.

Learned counsel for the petitioners submit that it transpires from the F.I.R. itself that there is no eye-witness of the occurrence. Learned counsel further submits that the case has been filed only and only on the basis of suspicion. Learned counsel further submits that in the case diary also there is no cogent evidence available against the present petitioners. He further submits that the petitioner no.1 and 2 both are accused in one case but after investigation final form was submitted in the said case as such they have no criminal antecedent. Learned

counsel further submits that both are in custody since 07.09.2021. By way of filing the supplementary affidavit, learned counsel further submits that one of the co-accused has been granted bail by this Court vide order dated 29.09.2020 passed in Cr. Misc. No. 60876 of 2021.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of the case and the submissions made above, let the petitioner Nos. 1 and 2 above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M, Vaishali at Hajipur in connection with Rajapakar P.S. Case No. 236 of 2019, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of their bail bonds.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the

petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that they shall not involve in such criminal activity during the continuance of present bail bonds, violation of this condition shall be resulted into cancellation of their present bail bonds.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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