

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.1723 of 2022**

Arising Out of PS. Case No.-352 Year-2020 Thana- GARKHA District- Saran

1. PANKAJ KUMAR Son of Rajendra Rai Resident of Village - Siswa, Police Station - Isuapur, District - Saran, Bihar.
2. Bhuwali Rai Son of Shivnath Rai Resident of Village - Siswa, Police Station - Isuapur, District - Saran, Bihar.
3. Arun Kumar Son of Bhuwali Rai Resident of Village - Siswa, Police Station - Isuapur, District - Saran, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Abhijeet Gautam, Advocate  
For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

3      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.

The petitioners seek regular bail in connection with  
Garkha P.S. Case No. 352 of 2020 lodged under Sections 302  
and 201/34 of the Indian Penal Code.

As per the prosecution story, the *Dafadar* of the  
Garkha P.S., district-Saran has lodged an F.I.R. that in Chirand  
to Garkha Road the recovery of dead body of a female has been  
made and the said dead body was thrown by a Bolero jeep. On

the basis of which the present F.I.R. has been lodged against unknown.

Learned counsel for the petitioners submit that the subsequently development took place in this case and the father of the deceased has filed an application before the police in which he has named the present petitioners including the husband of the deceased as accused in this case that all such event has done by making conspiracy by the present petitioners with the husband of the deceased.

Learned counsel for the petitioners submit that the recovery of dead body belongs to the wife of Chhotelal Rai, petitioner no.2 is the elder brother of Chhotelal Rai and petitioner nos. 1 and 3 are the nephew of the Chhotelal Rai. Learned counsel further submits that petitioners were unnecessary made accused in the present case as they are living separate with Chhotelal Rai and have nothing to do with him. Learned counsel further submits that the said marriage was solemnized in the year 2004 and just few years after marriage, they are living separately.

Learned counsel for the State opposes the prayer for bail and submits that Bolero jeep was seen from the place of occurrence and the involvement of the present petitioners may

not be ignored.

In the present facts and circumstances of the case and the submissions made above, let the petitioners 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 J.M. Ist Class, Saran at Chapra in connection with Garkha P.S. Case No. 352 of 2020, 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 bond, 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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