

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5899 of 2023

Arising Out of PS. Case No.-183 Year-2022 Thana- SHYAMPUR BHATHA District-
Sheohar

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1. BIRENDRA PANDIT S/O KAMAL PANDIT R/v- Nayagawm, Lachhu Tola, P.S.- Shyampur Bhatha, District- Sheohar
 2. CHANDRA BHUSHAN PANDIT S/O KAMAL PANDIT R/v- Nayagawm, Lachhu Tola, P.S.- Shyampur Bhatha, District- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhubala Verma, Adv.

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-06-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since
22.10.2022 in connection with Shyampur Bhataha P.S. Case No.
183/2022 registered for the offences punishable under Sections
302, 201/34 of the I.P.C.

According to prosecution case, the petitioners along
with other co-accused persons are alleged to have killed the
deceased, namely, Guriya Kumari by giving electrocution. The
reason behind the occurrence is said to be the love affairs
between the deceased, who is daughter of the petitioner no.1 and
one Nitish Kumar.



Learned counsel for the petitioners submits that the petitioners have clean antecedent and have committed no offence and they have falsely been implicated in the present case merely on the basis of suspicion and confessional statement of the petitioner no.1. He further submits that as per confessional statement of the petitioner no.1, the petitioners have committed murder of the deceased on 19.10.2022 and the postmortem examination was conducted on 21.10.2022, which suggests that the deceased has died within 24 hours, which raised suspicion about the confessional statement of petitioner no.1. He further submits that the postmortem report reflects that the cause of death is due to electrocution and the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 22.10.2022.

Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, 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 the learned A.C.J.M., Sheohar in connection with



Shyampur Bhatha P.S. Case No.183/2022, subject to 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 cancelled 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.

3. 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 petitioners. 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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