

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19061 of 2023

Arising Out of PS. Case No.-486 Year-2022 Thana- KANTI District- Muzaffarpur

1. KAVITA DEVI W/O SURESH RAM R/v- Hichhra, P.S.- Kanti, District- Muzaffarpur
2. SURESH RAM S/O GOVINDAR RAM R/v- Hichhra, P.S.- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No.II, Adv.

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-07-2023 This case has been listed under the heading “To be Mentioned” at the instance of learned counsel for the petitioner.

Learned counsel for the petitioner submits that the petitioner has been granted bail by this Court vide order dated 05.07.2023 but, inadvertently, in the aforesaid order **Cr. Misc. No. 19601 of 2023** has been typed in place of **Cr. Misc. No. 19061 of 2023** therefore, array of parties have been changed and the order could not be pronounced in Cr. Misc. No. 19061 of 2023 as the order dated 05.07.2023 has been pronounced in Cr. Misc. No. 19601 of 2023 due to the aforesaid typographical error. Therefore, the order may be modified to the aforesaid extent only.

In view of the submission, the order dated 05.07.2023 which has been pronounced in Cr. Misc. No. 19601 of 2023 is,



hereby, rescinded and the office is directed to remove the order, which has inadvertently been pronounced in Cr. Misc. No. 19601 of 2023, from the web portal.

The order dated 05.07.2023 passed in Cr. Misc No. 19061 of 2023 shall remain as it is which is hereunder;

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

The petitioners seek bail in connection with Kanti P.S. Case No. 486 of 2022 registered for the offence under Sections 302, 201 and 34 of the Indian Penal Code.

According to the prosecution, sister of the informant went with one Kavita Devi and she did not return home and on search her dead body was found in fardo river.

Learned counsel appearing for the petitioner submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioners have not committed any offence. He further submits that in fact, the alleged occurrence took place on 15.07.2022 whereas the FIR has been instituted on 17.07.2022 after lapse of two days without explaining the delay. He further submits that the parties are happened to be agnates and there is admitted land dispute between them for that reason the petitioners have been implicated in this case. He further submits



that there is no eye witness to the alleged occurrence. He further submits that merely on the basis of suspicion, the petitioners are dragged in this case. Save and except the suspicion, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioners in the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 18.07.2022.

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

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 Judicial Magistrate-1st Class, West Muzaffarpur in connection with Kanti P.S. Case No. 486 of 2022 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 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)

brajesh/-

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

