

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20369 of 2023

Arising Out of PS. Case No.-297 Year-2021 Thana- HUSSAINGANJ District- Siwan

1. Amarjit Ram S/O- Naglal Ram, Gender-Male, Aged about 28 years, Village-Salonepur Ps- Hussainganj Dist- Siwan
2. Bhuwar Ram @ Sanjit Ram, Gender-Male, Aged about 23 years, Son of Naglal Ram Village- Salonepur Ps- Hussainganj Dist- Siwan

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Anil Chandra, Advocate

For the Opposite Party : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners seek bail in connection with Sessions Trial No. 75 of 2022 (Arising out of Hussainganj P.S. Case No. 297 of 2021, dated 14.11.2021), instituted for the offence punishable under Sections 302 and 34 of the Indian Penal Code.

3. Allegation against the petitioners is of killing the informant's son by stabbing knife.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that three witnesses have been



examined by the learned trial court in this case. Md. Mustak, who is the informant, examined as P.W.-4 and other three witnesses were examined during trial and they have not supported the prosecution case and they have been declared hostile. Further, it is submitted that only two witnesses, Doctor and Investigating Officer have to be examined. Lastly, it has been submitted that the petitioner no. 1 is in custody since 16.11.2021 whereas the petitioner no. 2 is in custody since 23.02.2022. having no criminal antecedents and charge-sheet has been submitted in the case.

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XI, Siwan in Sessions Trial No. 75 of 2022 (Arising out of Hussainganj P.S. Case No. 297 of 2021), 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 on their absence on



two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) One of the bailors will be their own blood relation, preferably father, mother, brother, sister and or their wives.

(3) The bailors shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(4) 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.

(Khatim Reza, J)

Gaurav Kumar/-

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