

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24321 of 2023

Arising Out of PS. Case No.-226 Year-2022 Thana- BALRAMPUR District- Katihar

1. SUKDEV BOSAK @ SUDEEV BOSAK @ SUDDEV BOSAK S/O LATE HUKUM CHAND BOSAK R/O Village- Chilhapara, P.S- Balrampur, Distt.- Katihar.
2. Budhni Devi W/O Mantu Bosak R/O Village- Chilhapara, P.S- Balrampur, Distt.- Katihar.
3. Dhanu Devi W/O Raju Bosak R/O Village- Patnaur, P.S- Dalkhola, Distt.- Uttar Dinajpur (West Bengal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Adv. Mr. Mazher Alam, Adv. Mr. Kumar Rajdeep, Adv.
For the Opposite Party/s :		Mr. Anant Kumar I

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Balrampur
P.S. Case No. 226 of 2022 registered for the offence under
Sections 302/34 of the Indian Penal Code.

The petitioners and others alleged to have committed
murder of brother of the informant.

Learned counsel appearing for the petitioners submits
that the petitioners, who are of clean antecedent, are innocent
and have falsely been implicated in this case merely on the basis
of suspicion. He further submits that informant is not the eye



witness of the alleged occurrence and even no one seen the occurrence as alleged in the F.I.R. 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 on bare perusal of the F.I.R., it transpires that there is general and omnibus allegation against the petitioners and no specific allegation of assault is attributed to them. He further submits that petitioner No.1 happens to be the father-in-law and petitioner Nos.2 and 3 happen to be sister-in-law and wife of the deceased. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners under Section 306/34 of the Indian Penal Code finding the case of suicide. The petitioner is rotting in judicial custody since 25.11.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioners have actively participated in the commission of murder of brother of the informant.

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 A.C.J.M.-VI, Katihar in connection with Balrampur P.S. Case No. 226 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)

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