

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25482 of 2023**

Arising Out of PS. Case No.-506 Year-2022 Thana- DESARI District-
Vaishali

- =====
1. KAPILDEO SAHNI S/O AYODHYA SAHNI Resident of Village- Bikrampur,
P.S.- Desari (O.P.- Sahdei), District- Vaishali.
 2. PRAMILA DEVI W/O KAPILDEO SAHNI Resident of Village- Bikrampur,
P.S.- Desari (O.P.- Sahdei), District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.Ram Anurag Singh

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-10-2023 Heard Mr. Nachiketa Jha, learned counsel for the

petitioners and Mr. Ram Anurag Singh, learned A.P.P. for the State.

The petitioners apprehend thier arrest in connection
with Desri (Sahdei O.P.) P.S. Case NO. 506 of 2022 registered for
the offence under Sections 302, 120(B), 201/34 of the Indian
Penal Code.

The nephew of the informant is alleged to have been
killed by the F.I.R. named accused persons and thrown the dead
body to railway track.

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. He further submits



that the petitioners happen to father-in-law and mother-in-law of the deceased and uncle of the deceased has filed the present case merely on the basis of suspicion. He further submits that there is no eye witness to the alleged occurrence and even the informant has not seen the alleged occurrence. He further submits that no reason is assigned in the F.I.R. for that the petitioners are suspected that they might have killed their son-in-law. Save and except the suspicion, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioners in the alleged occurrence.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that it is admitted position that the deceased went to his in law's house and thereafter his dead body was found in the railway tank but he fairly submits that there is no eye witness to the alleged occurrence.

Considering the facts and circumstances of the case, let the, above named, petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, 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.-IX, Vaishali at Hajipur in connection with Desri (Sahdei O.P.) P.S. Case No. 506 of 2022,



subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also 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 petitioner. 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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