

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28026 of 2023

Arising Out of PS. Case No.-374 Year-2022 Thana- BAJPATTI District- Sitamarhi

1. Ramfal Thakur Son Of Late Ram Swaroop Thakur Resident of village - Belahiya Purwari Tola, Ward no. 04, P.S. - Bajpatti, Distt. - Sitamarhi
2. Satrugan Thakur @ Satrohan Thakur Son of Bali Thakur Resident of village - Belahiya Purwari Tola, Ward no. 04, P.S. - Bajpatti, Distt. - Sitamarhi

... .. petitioners/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the petitioners/s : Mr. Chandra Shekhar Anand, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-07-2023 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

3. Petitioners seeks bail who are in custody since 12.12.2022 in connection with Bajpatti P.S. Case No. 374 of 2022, F.I.R. dated 01.12.2022 for the offences punishable under Sections 302/34 of the Indian Penal Code.

4. According to prosecution case, some dispute regarding the sale of liquor had been taken place between the brother of the informant and the accused persons due to which these petitioners along with the other accused persons have murdered the brother of the informant.



5. Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that the informant is not the eye witness of the alleged occurrence. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners are the persons who were last seen with the deceased and in fact, no one has seen the occurrence. He further submits that except the suspicion that the petitioners were the last seen with the deceased, no other material has come during investigation to suggest the involvement of the petitioners in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 12.12.2022.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioners carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner no. 2 is on bail.

7. Considering the aforesaid facts and circumstances, 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 Judicial Magistrate, Sitamarhi in connection with Bajpatti P.S. Case No. 374 of 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 tampers 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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