

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30245 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- IMAMGANJ District- Gaya

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1. ANIL BHARTI SON OF SOHRAI MANJHI R/O VILLAGE-KUNDILPUR, P.S.- IMAMGANJ, DISTRICT- GAYA
 2. RANJIT KUMAR @ RANJIT BHARTI SON OF ADITYA BHARTI R/O VILLAGE- KUNDILPUR, P.S.- IMAMGANJ, DISTRICT- GAYA
 3. MANTU BHARTI SON OF BINDU BHARTI R/O VILLAGE-KUNDILPUR, P.S.- IMAMGANJ, DISTRICT- GAYA
 4. SAKENDRA KUMAR @ SATENDRA KUMAR SON OF LAXMAN BHARTI R/O VILLAGE- KUNDILPUR, P.S.- IMAMGANJ, DISTRICT- GAYA
 5. GAURAV KUMAR @ GAURAV BHARTI @ GAURA BHARTI SON OF RAMKISHUN BYHARTI R/O VILLAGE- KUNDILPUR, P.S.- IMAMGANJ, DISTRICT- GAYA
 6. SANJAY KUMAR SON OF RAMSHISH BHARTI R/O VILLAGE-KUNDILPUR, P.S.- IMAMGANJ, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 21-08-2023

Heard the parties.

The petitioners are in custody in connection with Imamganj P.S. Case No. 30 of 2023 for the offence under section 302 of the Indian Penal Code lodged on 06.02.2023 by the informant, Shankar Kumar.

As per the prosecution story, the informant has alleged that his father went outside the house to meet someone but failed to return and later in the morning, his dead body was found with sharp cutting mark on the neck. Accordingly, the



F.I.R. against unknown.

Learned counsel for the petitioner submits that in course of investigation, name of one Sunil Kumar has come and further, the role of accused persons came who also confessed to the killing.

However, the said confession before the Police under coercion has no evidentiary value.

Learned APP opposes the prayer for bail stating that they have confessed the crime.

Considering the fact that no one has seen the occurrence, FIR is against unknown, the Police on the confession has taken into custody and all of them have remained in custody since 06.02.2023, none of them have criminal antecedent and they are ready to abide by all the terms and conditions, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned J.M. 1st Class, Gaya, in connection with Imamganj P.S. Case No. 30 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for one year to mark their attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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