

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34723 of 2022

Arising Out of PS. Case No.-23 Year-2022 Thana- JAMUI District- Jamui

1. Pankaj Kumar Sah @ Pankaj Saw Son Of Rajendra Sah R/O Village- Sahpur, P.S.- Jamui, District- Jamui
2. Shintu Kumar Son Of Prakash Sah R/O Village- Sahpur, P.S.- Jamui, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 34994 of 2022

Arising Out of PS. Case No.-23 Year-2022 Thana- JAMUI District- Jamui

1. Md. Seru S/O Unus Miyan Resident of Village- Shahpur, P.S.- Jamui, District-Jamui.
2. Md. Painter S/O Mansur Miya Resident of Village- Shahpur, P.S.- Jamui, District-Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 34723 of 2022)

For the Petitioner/s : Mr. Sanju Singh, Advocate

For the Informant : Mr. Akash Raj, Advocate

For the State : Mr. Pawan Kumar Chaurasia, APP

(In CRIMINAL MISCELLANEOUS No. 34994 of 2022)

For the Petitioner/s : Mr. Sanju Singh, Advocate

For the Informant : Mr. Akash Raj, Advocate

For the State : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 15-03-2023 Learned counsel for the petitioners is directed to remove the defects, if any, as pointed out by the office, within a period of four weeks from today.

Heard learned counsel for the petitioners, learned



counsel appearing on behalf of the Informant and learned APP for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case, in short, is that the son of informant Anil Kumar Sah, last seen on 18.01.2022 in night at about 8:00 PM with their four friends. At about 9:00 P.M. when the son of the informant did not return to his house, started searching of his son. Vehicle of his son found near house of Md. Sheikh and Md. Painter but even after search son of informant not found. In next morning, informant got information about recovery of Anil Kumar Sah in Badhaiya Ahar drowned in the water and when they rushed to Sadar Hospital, Jamui where Doctor declared him death.

Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case only on the basis of suspicion. In fact, the petitioners are friends of the deceased and they have no concern at all with the alleged occurrence, at best the petitioners are the persons who are last seen with the deceased and no other cogent material has come during investigation against the



petitioner except the suspicion and the informant is not an eye witness of the alleged occurrence. He further submits that the police after investigation submitted chargesheet against the petitioners.

Vide order dated 25.01.2023, a report was called for with regard to the stage of the trial. Report dated 31.01.2023 reveals that out of 11 chargesheet witnesses, only three witnesses have been examined by the prosecution and the case is pending for the evidence of remaining witnesses.

Learned counsel for the petitioners submits that in view of the report of the learned Trial court, there is no chance of early conclusion of the trial in near future and the petitioners are in custody since 25.01.2022.

Learned counsel appearing on behalf of the Informant as well as learned APP for the State have opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Jamui P.S. Case No. 23 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 bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, 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 antecedents, 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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