

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37274 of 2023

Arising Out of PS. Case No.-135 Year-2023 Thana- BANKA District- Banka

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1. PRIYANKA KUMARI @ MANISHA KUMARI Wife of Mithun Sah
Resident of Village- Lilagora, PS- Banka, District- Banka
 2. Mithun Sah @ Santosh Kumar S/O KISHORI SAH Resident of Village-
Lilagora, PS- Banka, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Nurul Hoda, Adv.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-08-2023 1. Heard learned counsel for the petitioners, learned
counsel for the informant and learned Additional Public
Prosecutor for the State.

2. Petitioners, who are in custody since 17.03.2023
seek bail in connection with Banka P.S. Case No.135/2023,
dated 09.03.2023, registered for the offences punishable under
Sections 302, 201, 34 & 120B of the I.P.C.

3. According to prosecution case, the petitioners are
alleged to have killed the son of the informant and in order to
conceal the dead body of the deceased they threw the dead body
in the canal.

4. Learned counsel for the petitioners submits that the



petitioners have clean antecedent and they have falsely been implicated in the present case merely on the basis of suspicion. He further submits that the informant is not an eyewitness of the alleged occurrence and during investigation, the petitioners have confessed their guilt in the present occurrence and except the confessional statement of the petitioners, no other cogent material has come during investigation to suggest the involvement of these petitioners in the present occurrence. The police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 17.03.2023.

5. Learned counsel for the informant as well as learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners and submits that sufficient material has come during investigation to suggest the involvement of these petitioners in the present occurrence.

6. Considering the aforesaid facts and circumstances as well as period of custody, 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 C.J.M., Banka in connection with Banka P.S. Case No.135/2023, 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 tamper 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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