

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41129 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- BAUNSI District- Banka

Chattish Raut Son of Shahsi Raut Resident of Village - Gangti, P.s.- Bounsi,
Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 51184 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- BAUNSI District- Banka

Pradeep Singh S/o Yadvi Singh @ Jagdish Marik R/o village- Gangti
(Bajrangpur), P.S.- Bounsi, District- Banka

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 41129 of 2022)

For the Petitioner/s : Mr. Dhirendra Kumar

For the Opposite Party/s : Mr. Ramchandra Singh

(In CRIMINAL MISCELLANEOUS No. 51184 of 2022)

For the Petitioner/s : Mr. Brij Nandad Prasad

For the Opposite Party/s : Mr. Arun Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 14-02-2023 Heard Ld. counsel for the petitioners and Ld. APP

for the State.

The petitioners seek bail in connection with Bounsi

P.S. Case No.39 of 2022, registered for the offences

punishable under Sections 302, 201 and 34 of the Indian

Penal Code.



The prosecution case as emerges from the FIR is that on 18.02.2022, one Chamak Lal Kumar, son of the informant, went along with Pradeep Singh and Chattish Raut to celebrate a party. Later, when he did not return, his family members started searching him and the dead body of the victim was found in a well. It is alleged that the accused persons have killed the son of the informant and thrown his body into the well.

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He also submits that the whole case is based only on suspicion and there is no eye witness to the alleged offence. He also submits that one co-accused Yadavi Singh has already been enlarged on bail by a co-ordinate bench of this court. He also submits that investigation in this case is complete and charge-sheet has already been submitted and even charge has been framed.

He further submits that the petitioners have been languishing in jail since 20.02.2022.

It has also been stated in paragraph no. 3 of the



bail petition that the petitioners have no criminal antecedent.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Additional Sessions Judge-III, Banka, District-Banka in connection with Bounsi P.S. Case No.39 of 2022 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not get hampered on account of their absence or non-cooperation. They must be available to the



police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office



objections.

(Jitendra Kumar, J)

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