

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53282 of 2022

Arising Out of PS. Case No.-165 Year-2022 Thana- CHAND District- Kaimur (Bhabua)

1. Anil Gond Son Of Kumar Gond R/O Village- Babhaniyaw, P.S.- Chand, District- Kaimur At Bhabua
2. Arjun Gond Son Of Nachaku Gond R/O Village- Medh, P.S.- Chainpur, District- Kaimur At Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 08-05-2023 Heard learned counsel for the petitioners and

learned A.P.P appearing on behalf of the State.

The petitioners are languishing in custody in a

case registered for the offences punishable under

Sections 302, 379, 34 of the Indian Penal Code.

The prosecution case as per F.I.R is that

husband of the informant was constructing his house

through contractor Sarvan Gond. It is alleged that the

pillers of the house were wrongly constructed on which

there were hot exchange of talk between them and the

contractor assured that he would get the pillars



corrected. The husband of the informant thereafter went to sleep in the under-construction house where the contractor and other labourers used to sleep. Next morning, the informant was informed that contractor and other labourers have killed her husband and took away with a bag containing Rs. 2 lakhs.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioners are not named in the F.I.R and their names subsequently sprang up on the confessional statement of co-accused Sharwan Gond and except confession, there is no consistent material evidence against the petitioners and only on the basis of suspicion, the petitioners have been roped in the present case. There is no eye witness to the occurrence. The petitioners are languishing in custody since 20.06.2022. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

Learned counsel appearing on behalf of the



informant and learned A.P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the petitioners and submitted that CDR suggests that mobile location of the petitioners were found near the place of occurrence. The CCTV footage as mentioned in para 158 of the case diary also suggests the presence of the accused persons at the place of occurrence.

Considering the facts aforesaid and the period under custody, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Kaimur at Bhabua in connection with Chand P.S. Case No. 165 of 2022.

(Sunil Kumar Panwar, J)

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