

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55930 of 2023

Arising Out of PS. Case No.-189 Year-2022 Thana- JANDAHA District- Vaishali

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1. MANISH RAI SON OF SR. BHAGDEO RAI R/O VILL- RAMPUR CHAKLALA, PS- JANDAHA, DIST- VAISHALI
 2. BHAGDEO RAI SON OF JANDHARI RAI R/O VILL- RAMPUR CHAKLALA, PS- JANDAHA, DIST- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh

For the Opposite Party/s : Mr. Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 05-09-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have prayed for bail in a case instituted for the offence under Sections 363, 365/34 of the Indian Penal Code. Chargesheet has submitted under Sections 364, 302, 120(B)/34 of the Indian Penal Code.

Accused persons took her son but he did not return. It is a case of commission of murder of the informant's son, namely, Manish Kumar by several accused persons including the petitioner and subsequently his dead body was recovered on 26.6.2022.

It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case. No one



is the eye witness of the alleged occurrence. Only on the basis of suspicion, the name of the petitioners dragged in the present case. During investigation, no consistent material has come against the petitioners to show their involvement in the present case. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 25.08.2023 passed in Cr. Misc. No. 54575 of 2023. Petitioners have got no criminal antecedent and are languishing in judicial custody since 22.2.2023.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Vaishali at Hajipur in connection with Jandaha PS Case No. 189 of 2022 with following conditions:

(1) Petitioner shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two



consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) If the petitioner tampers with the evidence or threatens the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bonds will be cancelled by the court below.

(iv) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance.

(Sunil Kumar Panwar, J)

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