

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61305 of 2023

Arising Out of PS. Case No.-82 Year-2023 Thana- THAWE District- Gopalganj

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1. SHAMBHU SINGH S/O LATE MANAGER SINGH @ LATE MANEJAR SINGH R/O VILLAGE- EKDERWA, PS. THAWE, DIST. GOPALGANJ
 2. CHHOTI DEVI W/O SHAMBHU SINGH R/O VILLAGE- EKDERWA, PS. THAWE, DIST. GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Thakur Brajesh Singh
For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 21-12-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Thawe P.S. Case No. 82 of 2023 registered for the offences punishable under Section 363 of the Indian Penal Code but later on, charge sheet has been submitted under Sections 304, 201, 34 of the Indian Penal Code.

3. As per prosecution case, on 19.03.2023 at about 2:30 PM, informant's son went outside the house to play but he did not return. It is further alleged that informant made hectic search but of no avail. Hence, FIR has been registered against unknown.

4. Learned counsel for the petitioners submits that



during course of investigation, the informant has been made accused and petitioner no. 2 is wife of informant/petitioner no. 1. He further submits that there is no eye witness to the alleged occurrence. There is no direct or circumstantial evidence against the petitioners. During course of investigation, it is found that the informant's son was intoxicated and he made an attempt to commit suicide. He further submits that during course of investigation, no cogent evidence has come that petitioners are in any way involved in the murder of their own son. He further submits that so far as postmortem report is concerned, there is no stretch of imagination that parents would commit such crime against their own son. Petitioners are in custody since 24.03.2023. Petitioner no. 1 bears criminal antecedent of one case in which he is on bail. Petitioner no. 2 has no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the



prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 Chief Judicial Magistrate, Gopalganj in connection with Thawe P.S. Case No. 82 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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