

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61388 of 2023

Arising Out of PS. Case No.-52 Year-2023 Thana- TANDWA District- Aurangabad

1. SURENDRA SINGH SON OF LATE RAMDEO SINGH RESIDENT OF VILLAGE - BAROULI, P.S. - HUSSAINABAD, DISTRICT - PALAMU
2. RAMVINAY BAITHA SON OF LATE MAHANG BAITHA RESIDENT OF VILLAGE - BARWADIH, P.S. - HUSSAINABAD, DISTRICT - PALAMU (JHARKHAND)

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Opposite Party/s : Mr. Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 20-12-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners seek bail in connection with Tandwa P.S. Case No. 52 of 2023 registered for the offence punishable under Section 302 of the Indian Penal Code.

3. As per prosecution case, informant's brother was killed by unknown persons and his dead body was recovered by the police and hence, F.I.R. was registered against unknown.

4. Learned counsel for the petitioners submits that petitioners are not named in F.I.R. and during the course of investigation both the petitioners admitted their guilt in their confessional statement. He further submits that the post-mortem report indicates that the deceased has died on account of electric



shock. Petitioners are quite innocent and have committed no offence as alleged against them in F.I.R. He further submits that there is no eye witness of the alleged occurrence but merely on suspicion, they have falsely been implicated in the present case. He further submits that the dead body of the deceased has been found from the land in question which belongs to petitioner no. 1 and petitioner no. 2 is bataidar of the said land. Petitioners are not in any way connected with the cause of death of the deceased as cause of death is electrocution. Petitioners are in custody since 28.05.2023 and bear no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that on similar and identical allegation, co-accused Shailendra Singh @ Shailendra Kumar Singh has already been granted bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 53227 of 2023 and on the principle of parity, petitioners also deserve bail.

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

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioners, co-accused has already been granted bail, 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 C.J.M., Aurangabad in connection with Tandwa P.S. Case No. 52 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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