

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58928 of 2022

Arising Out of PS. Case No.-41 Year-2022 Thana- ISHIPUR District- Bhagalpur

1. GUNJAN DEVI @ GUNJAN KUMARI W/o Sujit Mahto R/V- Kisnichak, P.S.- Ishipur (Barahat), Distt- Bhagalpur.
2. Sadhu Mahto S/o Late Gauri Shankar Mahto R/V- Kisnichak, P.S.- Ishipur (Barahat), Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-02-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 302, 504, 506 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly the son of the informant is shot dead by the petitioners and other.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that it appears from the F.I.R. that the petitioners were not present at the place of occurrence, however, name of the petitioners



transpired in this case on the basis of suspicion during investigation. He further submits that the informant is not the eye witness to the alleged occurrence. He further submits that there is admitted land dispute between the parties. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 05.08.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Ishipur (Barahat) P.S. Case No. 41 of 2022 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the



Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioner have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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