

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62235 of 2022

Arising Out of PS. Case No.-217 Year-2021 Thana- PIYAR District- Muzaffarpur

1. KISHORE SAH @ KISHORI SAH Son of Late Jittu Sah Resident of village - Begahi @ Bengahi, P.S.- Piyar, District - Muzaffarpur.
2. Awdhesh Sah Son of Shiv Lal Sah Resident of village - Panchrukhi, P.S.- Piyar, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Adv.

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-04-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

According to prosecution case, the minor daughter of the informant is said to have been killed by the F.I.R. named accused persons.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that in fact the petitioner no.1 is the father of the deceased and the petitioner



no.2 is maternal uncle of the deceased and the petitioners are not named in the F.I.R. He further submits that the name of the petitioners has been transpired during investigation on the basis of secret information received by the police during investigation. He further submits that save and except the secret information, no other cogent material has come during investigation against the petitioners and the similarly situated co-accused namely, Shobha Devi, who is informant of the present case and the mother of the deceased has been granted bail vide order dated 08.02.2023 passed in Cr. Misc. No. 47878 of 2022 and the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 26.12.2021.

The learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer of bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, 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 the learned court below where the case is pending, in connection with Piar (Piyar) P.S. Case No. 217/2021, subject to 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, their bail bond shall be cancelled 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.

3. 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 petitioners 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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