

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67921 of 2022

Arising Out of PS. Case No.-125 Year-2010 Thana- DIGHWARA District- Saran

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1. BHABHIKHAN RAI Son of Baijnath Rai R/V- Haaspur, Adhlagiya, P.S- Shahpur, Dist- Patna
 2. Lakhan Singh Son of Late Binda Singh R/V- Pakwaliya, P.S- Akilpur, Dist- Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Adv.

For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 27.07.2022 in connection with Dighwara P.S. Case No.125/2010, F.I.R. dated 31.08.2010 registered for the offences punishable under Sections 302, 380 and 34 of the I.P.C.

According to prosecution case, on the alleged date of occurrence, the petitioners along with other co-accused persons are alleged to have committed murder of the deceased and also took away the papers relating to the land dispute. The reason behind the occurrence is said to be the land dispute between the parties.



Learned counsel for the petitioners submits that the petitioner no.1 has one criminal antecedent and the petitioner no.2 has clean antecedent and they have falsely been implicated in the present case merely on the basis of suspicion and due to admitted land dispute between the parties. He further submits that informant is not an eyewitness of the alleged occurrence and it appears from the F.I.R. as well as case diary that the informant has raised suspicion against the petitioners and other co-accused persons. He further submits that during investigation, except suspicion, no other cogent material has come to connect the involvement of these petitioners in the present occurrence and the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 27.07.2022.

Learned Additional Public Prosecutor for the State on the other hand opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances as well as period of custody, 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 A.C.J.M.-II, Chapra, Saran in connection with Dighwara P.S. Case No.125/2010, G.R.



No.3192/2010, 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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