

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70009 of 2023

Arising Out of PS. Case No.-173 Year-2023 Thana- PIRO District- Bhojpur

1. Dhanjee Dom S/o- LATE PATER DOME Village- Jhumak Tola Ps- Bikramganj Dist- Rohtas
2. Shankar Dom @ Shankar Ram son of Dhanjee Dom Village- Jhumak Tola Ps- Bikramganj Dist- Rohtas
3. Rakesh Dom @ Rajesh Dom son of Dhanjee Dom Village- Jhumak Tola Ps- Bikramganj Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jainendra Kumar Pushkar, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioners and learned
APP for the State.

02. In the present case, the petitioners seek bail in connection with Piro (Hasan Bazar) P.S. Case No. 173 of 2023 registered on 18.04.2023, for the alleged offences under Sections 302, 201/34 of the Indian Penal Code.

03. As per prosecution case, husband of the informant was called out by the petitioner along with other co-accused persons and thereafter there was no trace of the husband of the informant. After 16 days, the informant came to know about recovery of half-burnt dead body of an unknown person, which



she claimed to be of her husband. Thereafter, she named the petitioners along with other co-accused persons for being involved in murder of her husband due to previous land dispute.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case due to land dispute between the parties. The F.I.R. has been registered after delay of 17 days, for which, there is no explanation and it creates doubt over the prosecution story. There is no eye witness to the alleged occurrence and general and omnibus allegations have been levelled against all the accused persons. Nothing incriminating has been recovered from the petitioners and accusation against them is only on the basis of suspicion. Even during investigation, the police did not find any material to establish the involvement of the petitioners in the alleged offence. The petitioners are poor people and their custody has put their families on the verge of starvation. The petitioners are in custody since 27.07.2023 and the petitioners have got clean antecedent.

05. Learned APP for the State opposes the prayer for bail submitting that the informant has named these petitioners for their involvement in the murder of her husband.

06. Having regard to the facts and circumstances and



submission made on behalf of the parties and considering the distinct lack of material against the petitioners to connect them with the alleged offences apart from delayed F.I.R. and also considering period of custody of the petitioners, they are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class/concerned court, Bhojpur at Arrah in connection with Piro (Hasan Bazar) P.S. Case No. 173 of 2023 subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Ashish/-

U		T	
---	--	---	--

