

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70751 of 2022

Arising Out of PS. Case No.-102 Year-2022 Thana- SAHAR District- Bhojpur

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1. Sanjay Kumar, Son of Bindeshwar Bind R/V- Karwasin Satyare Tola, P.S- Ajimabad, Dist- Bhojpur (Ara)
 2. Gauri Shankar Bind Son of Bindeshwar Chaudhary R/V- Karwasin Satyare Tola, P.S- Ajimabad, Dist- Bhojpur (Ara)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-03-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

In the present case, the petitioners seek bail in connection with Sahar P.S. Case No. 102 of 2022 registered for the alleged offences under Sections 364, 302, 201 and 120(b) of the Indian Penal Code.

As per prosecution case, the son of the informant who left his house in night for meeting his girlfriend was murdered and his dead body was kept concealed for few days. The informant named the petitioners along with twelve other persons for being involved in the murder of his son.

Learned counsel for the petitioners submits that



petitioners are innocent and have been falsely implicated in this case. There is no specific allegation against the petitioners and from the F.I.R. it is clear that none has seen the occurrence and despite this fact a number of persons have been made accused. The petitioners have been named merely on suspicion along with a number of other co-accused persons and from the F.I.R. it appears that there is previous enmity and personal grudge against the petitioners. Nothing material has come up on record against the petitioners to connect them with the offences as alleged. Charge sheet has been submitted in this case and the petitioner are in custody since 28.06.2022. The petitioners have got clean antecedent.

Learned A.P.P. for the State opposes the prayer for bail of the petitioners submitting that the petitioners are named in the F.I.R. for murder of the son of the informant.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that there appears no substantive material to connect the petitioners with the offences as alleged and further considering the non-specific nature of allegation against the petitioners which is omnibus against all accused persons, the petitioners above named 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, Ara in connection with Sahar P.S. Case No. 102 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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)

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